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STATE PAPERS

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PUBLICK DOCUMENTS

OF

THE UNITED STATES

FROM THE

ACCESSION OF THOMAS JEFFERSON TO THE PRESIDENCY, EXHIBITING A COMPLETE VIEW OF OUR FOREIGN RELATIONS SINCE THAT TIME.

1801—6.

BOSTON:

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1814.

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DISTRICT CLERK'S OFFICE.

DISTRICT OF MASSACHUSETTS, TO WIT:

BE it remembered, That on the twelfth day of November A. D. 1814, and in the thirty-ninth year of the Independence of the United States of America, Thomas B. Wait and Sons of the said district, have deposited in this office the title of a book, the right whereof they, claim as proprietors in the words following, to wit:

"State Papers and Publick Documents of the United States, from the accession of Thomas Jefferson to the Presidency, exhibiting a complete view of our Foreign Relations since that time."

In conformity to the act of the Congress of the United States, entitled "An act for the encouragement of learning, by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies, during the times therein mentioned;" and also to an act entitled

"An act supplementary to an act, entitled, an act for the encouragement of learning by securing the copies of Maps, Charts, and Books, to the authors and proprietors of such copies during the times therein mentioned; and extending the benefits thereof to the Arts of Designing, Engraving, and Etching Historical, and other Prints."

WILLIAM S. SHAW,
Clerk of the District of Massachusetts.

ADVERTISEMENT.

THE publick are now presented with the first volume of the State Papers and Publick Documents of the United States, from the accession of Thomas Jefferson to the Presidency, exhibiting a complete View of our Foreign Relations since that time.

The publishers confidently believe, that the undertaking in their proposals will be considered as honourably fulfilled, so far as this part of the work could include the papers contemplated to be printed. Of the rule by which they have been governed in their labours it may be necessary to say a few words; rather, however, to show what was excluded than what was introduced under it. Such documents, as the following, the publishers have not thought proper to include, because they were thought not so much connected with the subject of our relations with foreign powers, as our domestick economy.

President's message of January 12, 1802, laying before Congress "a letter from the Secretary of State, containing an estimate of the expenses necessary for carrying into effect the convention between the United States of America and the French Republick."

A letter from the Secretary of the Navy to the Speaker of the House of Representatives, January 23, 1802, enclosing "copies of the instructions heretofore given by this department to the commanders of vessels in the publick service—authorizing the capture of vessels belonging to the French Republick."

The report of a committee April 22, 1802, on "the memorials and petitions of sundry citizens of the United States, praying relief, in the case of spoliations committed on their vessels and cargoes, while in pursuit of their lawful commerce, by the cruisers of the French Republick during the late European war."

President's message of April 27, 1802, informing "that a convention had been signed by the commissioners who were appointed to carry into execution the sixth article of the treaty of amity, commerce, &c. between the United States and Great Britain." &c. Similar messages, no other way affecting our "intercourse with foreign nations," than as they suggested the enactment of laws pursuant to the respective treaties or conventions submitted by the messages, have been omitted for a similar reason.

President's message December 31, 1804, communicating "a letter from Malta by Richard O'Brien, late consul at Algiers, giving some detail of transactions before Tripoli." Several similar communications, no ways relating to our foreign relations, except as conveying information of hostile operations, will be likewise omitted. The object of the publication was to present the views of our own government and those of other nations on the subjects of negotiation, not a statute book, or a history. Instead of four or five volumes, such a GENERAL compilation of State Papers would fill forty or fifty, within the space of time, to which the publishers' views extend.

On page 210 will be found a message from the President of the United States to the Senate, with a report on the impressment of "seamen in the service of the United States." This interesting subject is usually exhibited to Congress by stated reports of the Secretary of State, made pursuant to law. These are not within the scope of this publication. The reports alluded to would fill three or four volumes with a mere catalogue; but the exhibit, which is now printed, will be a good sample of the matter. This, being in the report connected with a proper subject of this undertaking, was necessarily introduced with it.

After all, however, the publishers expect that for one who may regret the omission, many will complain of the unnecessary insertion of papers. It is not in consequence of the labour which they have bestowed on this collection, of which, indeed, very few readers can form an estimate, that many pages are devoted to certain official communications, in which no interest was felt at their origin, except by those who were concerned in the several transactions. Such will form a part of any complete volume of documents; and all the foreign concerns of a community can no more be important than all its domestick proceedings.

Many minute details in this volume will appear to some cursory observers as occupying the place of more important subjects; but it was not within the publishers' province to curtail any official paper, and the *completeness* of the collection will by the judicious be thought the best feature in the present volume. Subsequent ones will not contain many such statements, but generally be occupied with the important concerns of our negotiations with Great Britain and France.

Some delay has occurred in issuing this volume, for which the publishers feel confident of the sufficiency of their excuse, that for several of the papers it was necessary to resort to gentlemen at a great distance, and that some were to be obtained in manuscript from Philadelphia. It was also necessary to consult officers of the government at Washington, and to obtain the advice of Mr. Jefferson, the former President of the United States.

Many errors will be observed in the printing of dates, and names of persons, ships and places, of which few should be ascribed to the present publishers. The papers, for the use of either house of Congress, being printed with great despatch, are frequently printed with extreme inaccuracy in those respects. Conjecture has been trusted in the correction of many passages, but in some, as in the name of the British ship on page 217 line 9 the publishers knew only that their copy was wrong, not how to make it right. The copy of the papers in pages 341—344 contain-

ed a confusion of dates, some being 1804, others 1805. Uniformity was followed, without caution, in making all the dates 1805, when from the next following pages it is apparent that they should have been 1804. This is the only error in the book, the occurrence of which the publishers think worth noting.

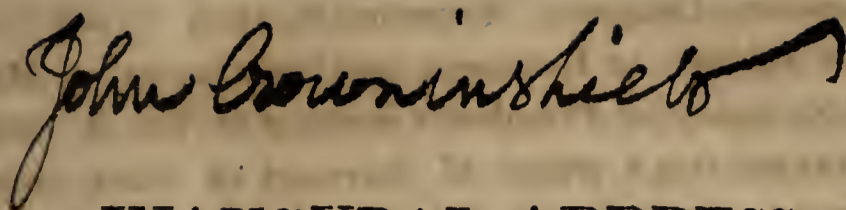
After all their diligence, the publishers think it possible that some documents, within the period comprized in this volume, may have eluded their search. Any gentleman, who, after due examination, shall discover an omission of such paper, will oblige the publishers, as well as the community, by furnishing it for insertion in the Appendix to the next volume. A similar examination will be hoped for succeeding volumes, and the like favour is requested.

Boston, November, 1814.

CONTENTS.

PRESIDENT JEFFERSON'S Inaugural address, March 4, 1801	9
Message opening Congress, December 8, 1801	- - 14
Documents respecting Barbary, December 8, 1801	- 24
Message transmitting papers relative to transactions with the Barbary Powers, December 22, 1801	- 69
Message on same subject, March 2, 1802	- - - 84
Message transmitting Documents respecting French Cor- vette Berceau, April 15, 1802	- - - 84
Message transmitting a report from the Secretary of State, relative to spoliations committed under Spanish authori- ty, April 20, 1802	- - - - - 124
Message opening Congress, December 15, 1802	- 149
Documents relative to Barbary Powers, accompanying President's Message of December 15th, 1802	- 155
Communications relative to Morocco, accompanying Presi- dent's Message, December 15, 1802	- - - 167
Message transmitting a report from the Secretary of State re- lative to the violation, on the part of Spain, of the 22d article of the treaty with that nation, December 22, 1802	185
Message relating to the obstruction of the Mississippi, Dec. 30, 1802	- - - - - 193
Message transmitting a report from the Secretary of State re- lative to the Danish brigantine Henrick, Feb. 23, 1803	194
Message opening Congress, October 17, 1803	- - 198
Message relative to Morocco, November 4, 1803	- 205
Message relative to Morocco, December 5, 1803	- 208
Message relative to the impressment of Seamen by the agents of foreign nations, December 5, 1803	- - 210

Message relative to the taking possession of Louisiana, Jan. 16, 1804 - - - - -	220
Message opening Congress, November 8, 1804 - -	227
Documents relative to Louisiana and the district of Mo- bile accompanying President's message of Nov. 8, 1804	233
Message transmitting a report of Secretary of State, with documents relative to complaints against arming the mer- chant vessels of the United States, &c. Jan. 31, 1805	236
Message relative to the Danish brigantine Henrick, Feb. 5, 1805 - - - - -	246
President Jefferson's Inaugural address, March 4, 1805	253
Message opening Congress, December 3, 1805 -	259
Documents accompanying President's message of December 6, 1805, relative to subsisting difficulties with Spain	268
Message transmitting further Documents relative to sub- sisting difficulties with Spain, December 10, 1805	337
Message relative to the complaints by the government of France respecting commerce with St. Domingo, Jan. 10, 1806 - - - - -	360
Message respecting the application of Hamet Caramalli, Ex-Bashaw of Tripoli, January 13, 1806 - -	367
Memorial of the merchants and traders of Philadelphia, Jan- uary 16, 1806 - - - - -	414
Message relative to the oppression of our commerce and na- vigation by foreign armed vessels, Jan. 17, 1806	422



INAUGURAL ADDRESS,

OF THE PRESIDENT OF THE UNITED STATES. MARCH 4,
1801.

FRIENDS AND FELLOW CITIZENS,

CALLED upon to undertake the duties of the first Executive office of our country, I avail myself of the presence of that portion of my fellow citizens which is here assembled, to express my grateful thanks for the favour with which they have been pleased to look towards me, to declare a sincere consciousness that the task is above my talents, and that I approach it with those anxious and awful presentiments which the greatness of the charge, and the weakness of my powers so justly inspire. A rising nation, spread over a wide and fruitful land, traversing all the seas with the rich productions of their industry, engaged in commerce with nations who feel power and forget right, advancing rapidly to destinies beyond the reach of mortal eye; when I contemplate these transcendent objects, and see the honour, the happiness, and the hopes of this beloved country committed to the issue and the auspices of this day, I shrink from the contemplation, and humble myself before the magnitude of the undertaking, Utterly indeed should I despair, did not the presence of many, whom I here see, remind me, that, in the other high authorities provided by our constitution, I shall find resources of wisdom, of virtue, and of zeal, on which to rely under all difficulties. To you, then, gentlemen, who are charged with the sovereign functions of legislation, and to those associated with you, I look with encouragement for that guidance and support which may enable us to steer with safety the vessel

in which we are all embarked, amidst the conflicting elements of a troubled world.

During the contest of opinion through which we have past, the animation of discussions and of exertions has sometimes worn an aspect which might impose on strangers unused to think freely, and to speak and to write what they think ; but this being now decided by the voice of the nation, announced according to the rules of the constitution, all will of course arrange themselves under the will of the law, and unite in common efforts for the common good. All too will bear in mind this sacred principle, that though the will of the majority is in all cases to prevail, that will, to be rightful, must be reasonable ; that the minority possess their equal rights, which equal laws must protect, and to violate would be oppression. Let us then, fellow citizens, unite with one heart and one mind, let us restore to social intercourse that harmony and affection without which liberty, and even life itself, are but dreary things. And let us reflect that having banished from our land that religious intolerance under which mankind so long bled and suffered, we have yet gained little, if we countenance a political intolerance, as despotick, as wicked, and capable of as bitter and bloody persecutions. During the throes and convulsions of the ancient world, during the agonizing spasms of infuriated man, seeking through blood and slaughter his long lost liberty, it was not wonderful that the agitation of the billows should reach even this distant and peaceful shore ; that this should be more felt and feared by some, and less by others ; and should divide opinions as to measures of safety ; but every difference of opinion is not a difference of principle. We have called by different names brethren of the same principle. We are all republicans : we are all federalists. If there be any among us who would wish to dissolve this Union, or to change its republican form, let them stand undisturbed as monuments of the safety with which error of opinion may be tolerated, where reason is left free to combat it. I know indeed that some honest men fear that a republican government cannot

be strong; that this government is not strong enough. But would the honest patriot, in the full tide of successful experiment, abandon a government which has so far kept us free and firm, on the theoretick and visionary fear, that this government, the world's best hope, may, by possibility, want energy to preserve itself? I trust not. I believe this, on the contrary, the strongest government on earth. I believe it the only one, where every man, at the call of the law, would fly to the standard of the law, and would meet invasions of the publick order as his own personal concern.—Sometimes it is said that man cannot be trusted with the government of himself. Can he then be trusted with the government of others? Or have we found angels, in the form of kings, to govern him? Let history answer this question.

Let us then, with courage and confidence, pursue our own federal and republican principles; our attachment to union and representative government. Kindly separated by nature and a wide ocean from the exterminating havock of one quarter of the globe; too high minded to endure the degradations of the others, possessing a chosen country, with room enough for our descendants to the thousandth and thousandth generation, entertaining a due sense of our equal right to the use of our own faculties, to the acquisitions of our own industry, to honour and confidence from our fellow citizens, resulting not from birth, but from our actions and their sense of them, enlightened by a benign religion, professed indeed and practised in various forms, yet all of them inculcating honesty, truth, temperance, gratitude and the love of man, acknowledging and adoring an overruling providence, which by all its dispensations proves that it delights in the happiness of man here, and his greater happiness hereafter; with all these blessings, what more is necessary to make us a happy and prosperous people? Still one thing more fellow citizens, a wise and frugal government, which shall restrain men from injuring one another, shall leave them otherwise free to regulate their own pursuits of industry and improvement, and shall not take from the mouth of labour

the bread it has earned. This is the sum of good government: and this is necessary to close the circle of our felicities.

About to enter, fellow citizens, on the exercise of duties which comprehend every thing dear and valuable to you, it is proper you should understand what I deem the essential principles of our government, and consequently those which ought to shape its administration. I will compress them within the narrowest compass they will bear, stating the general principle, but not all its limitations.—Equal and exact justice to all men, of whatever state or persuasion, religious or political:—peace, commerce, and honest friendship with all nations, entangling alliances with none:—the support of the state governments in all their rights, as the most competent administrations for our domestick concerns, and the surest bulwarks against anti-republican tendencies:—the preservation of the general government in its whole constitutional vigour, as the sheet anchor of our peace at home, and safety abroad:—a jealous care of the right of election by the people, a mild and safe corrective of abuses which are lopped by the sword of revolution where peaceable remedies are unprovided:—absolute acquiescence in the decisions of the majority, the vital principle of republics, from which is no appeal but to force, the vital principle and immediate parent of despotism: a well disciplined militia, our best reliance in peace, and for the first moments of war, till regulars may relieve them: the supremacy of the civil over the military authority:—economy in the publick expense, that labour may be lightly burdened:—the honest payment of our debts and sacred preservation of the publick faith: encouragement of agriculture, and of commerce as its handmaid: the diffusion of information, and arraignment of all abuses at the bar of the publick reason:—freedom of religion; freedom of the press; and freedom of person, under the protection of the Habeas Corpus:—and trial by juries impartially selected. These principles form the bright constellation, which has gone before us, and guided our steps through an age of revolution and reformation. The wisdom of our sages, and

blood of our heroes, have been devoted to their attainment : —they should be the creed of our political faith, the text of civick instruction, the touchstone by which to try the services of those we trust ; and should we wander from them in moments of error or of alarm, let us hasten to retrace our steps, and to regain the road which alone leads to peace, liberty and safety.

I repair then, fellow citizens, to the post you have assigned me. With experience enough in subordinate offices to have seen the difficulties of this the greatest of all, I have learnt to expect that it will rarely fall to the lot of imperfect man to retire from this station with the reputation, and the favour, which bring him into it. Without pretensions to that high confidence you reposed in our first and greatest revolutionary character, whose pre-eminent services had entitled him to the first place in his country's love, and destined for him the fairest page in the volume of faithful history, I ask so much confidence only as may give firmness and effect to the legal administration of your affairs. I shall often go wrong through defect of judgment. When right, I shall often be thought wrong by those whose positions will not command a view of the whole ground. I ask your indulgence for my own errors, which will never be intentional ; and your support against the errors of others, who may condemn what they would not, if seen in all its parts. The approbation implied by your suffrage, is a great consolation to me for the past ; and my future solicitude will be, to retain the good opinion of those who have bestowed it in advance, to conciliate that of others by doing them all the good in my power, and to be instrumental to the happiness and freedom of all.

Relying then on the patronage of your good will, I advance with obedience to the work, ready to retire from it whenever you become sensible how much better choices it is in your power to make. And may that infinite Power which rules the destinies of the universe, lead our councils to what is best, and give them a favourable issue for your peace and prosperity.

TH: JEFFERSON.

MESSAGE

OF THE PRESIDENT OF THE UNITED STATES, TO BOTH
HOUSES OF CONGRESS. DECEMBER 8, 1801.

FELLOW CITIZENS OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES,

IT is a circumstance of sincere gratification to me, that on meeting the great council of the nation, I am able to announce to them on grounds of reasonable certainty, that the wars and troubles, which have for so many years afflicted our sister nations, have at length come to an end; and that the communications of peace and commerce are once more opening among them. Whilst we devoutly return thanks to the beneficent Being who has been pleased to breathe into them the spirit of conciliation and forgiveness, we are bound, with peculiar gratitude, to be thankful to him that our own peace has been preserved through so perilous a season, and ourselves permitted quietly to cultivate the earth, and to practise and improve those arts which tend to increase our comforts.—The assurances indeed of friendly disposition received from all the powers with whom we have principal relations, had inspired a confidence that our peace with them would not have been disturbed. But a cessation of the irregularities which had afflicted the commerce of neutral nations, and of the irritations and injuries produced by them, cannot but add to this confidence; and strengthens at the same time, the hope that wrongs committed on unoffending friends, under a pressure of circumstances, will now be reviewed with candour, and will be considered as founding just claims of retribution for the past, and new assurance for the future.

Among our Indian neighbours also a spirit of peace and friendship generally prevails; and I am happy to inform you that the continued efforts to introduce among them the implements and the practice of husbandry, and of the house-

hold arts, have not been without success—That they are becoming more and more sensible of the superiority of this dependance for cloathing and subsistence, over the precarious resources of hunting and fishing—And already we are able to announce that, instead of that constant diminution of numbers produced by their wars and their wants, some of them begin to experience an increase of population.

To this state of general peace with which we have been blessed, one only exception exists. Tripoli, the least considerable of the Barbary states, had come forward with demands unfounded either in right or in compact, and had permitted itself to denounce war, on our failure to comply before a given day. The style of the demand admitted but one answer. I sent a small squadron of frigates into the Mediterranean, with assurances to that power of our sincere desire to remain in peace; but with orders to protect our commerce against the threatened attack. The measure was seasonable and salutary. The Bey had already declared war in form. His cruisers were out. Two had arrived at Gibraltar. Our commerce in the Mediterranean was blockaded; and that of the Atlantick in peril. The arrival of our squadron dispelled the danger. One of the Tripolitan cruisers having fallen in with and engaged the small schooner Enterprize, commanded by Lieut. Sterret, which had gone out as a tender to our larger vessels, was captured, after a heavy slaughter of her men, without the loss of a single one on our part. The bravery exhibited by our citizens on that element, will, I trust, be a testimony to the world, that it is not a want of that virtue which makes us seek their peace; but a conscientious desire to direct the energies of our nation to the multiplication of the human race; and not to its destruction. Unauthorized by the constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The legislature will doubtless consider whether, by authorizing measures of offence also, they will place our

force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of the important function, confided by the constitution to the legislature exclusively, their judgment may form itself on a knowledge and consideration of every circumstance of weight.

I wish I could say that our situation with all the other Barbary states was entirely satisfactory. Discovering that some delays had taken place in the performance of certain articles stipulated by us, I thought it my duty, by immediate measures for fulfilling them, to vindicate to ourselves the right of considering the effect of departure from stipulation on their side. From the papers which will be laid before you, you will be enabled to judge whether our treaties are regarded by them as fixing at all the measure of their demands, or as guarding against the exercise of force our vessels within their power; and to consider how far it will be safe and expedient to leave our affairs with them in their present posture.

I lay before you the result of the census lately taken of our inhabitants, to a conformity with which we are to reduce the ensuing rates of representation and taxation. You will perceive that the increase of numbers, during the last ten years, proceeding in geometrical ratio, promises a duplication in little more than twenty-two years. We contemplate this rapid growth, and the prospect it holds up to us, not with a view to the injuries it may enable us to do to others in some future day, but to the settlement of the extensive country still remaining vacant within our limits, to the multiplication of men, susceptible of happiness, educated in the love of order, habituated to self-government, and valuing its blessings above all price.

Other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone: and though the changes in foreign relations, now taking place so desirably for the whole world, may for a season affect this branch of revenue, yet, weighing

all probabilities of expense, as well as of income, there is reasonable ground of confidence that we may now safely dispense with all the internal taxes, comprehending excises, stamps, auctions, licenses, carriages and refined sugars; to which the postage on newspapers may be added to facilitate the progress of information; and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interest of the publick debts, and to discharge the principals in shorter periods than the laws, or the general expectation had contemplated. War, indeed, and untoward events may change this prospect of things, and call for expenses which the imposts could not meet. But sound principles will not justify our taxing the industry of our fellow citizens to accumulate treasure for wars to happen we know not when, and which might not, perhaps, happen, but from the temptations offered by that treasure.

These views, however, of reducing our burdens, are formed on the expectation, that a sensible, and at the same time, a salutary reduction may take place in our habitual expenditures. For this purpose, those of the civil government, the army and navy, will need revisal. When we consider, that this government is charged with the external and mutual relations only of these states: that the states themselves have principal care of our persons, our property, and our reputation; constituting the great field of human concerns, we may well doubt whether our organization is not too complicated, too expensive: whether offices and officers have not been multiplied unnecessarily, and sometimes injuriously to the service they were meant to promote. I will cause to be laid before you an essay towards a statement of those who, under publick employment of various kinds, draw money from the treasury, or from our citizens. Time has not permitted a perfect enumeration, the ramifications of office being too multiplied and remote to be completely traced in a first trial.—Among those who are dependent on executive discretion, I have begun the reduction of what was deemed unnecessary. The expenses

of diplomatic agency have been considerably diminished. The inspectors of internal revenue, who were found to obstruct the accountability of the institution, have been discontinued.—Several agencies, created by executive authority, on salaries fixed by that also, have been suppressed, and should suggest the expediency of regulating that power by law, so as to subject its exercises to legislative inspection and sanction. Other reformatations of the same kind will be pursued with that caution which is requisite, in removing useless things, not to injure what is retained. But the great mass of publick offices is established by law, and therefore, by law alone can be abolished. Should the legislature think it expedient to pass this roll in review, and to try all its parts by the test of publick utility, they may be assured of every aid and light which executive information can yield. Considering the general tendency to multiply offices and dependencies, and to increase expense to the ultimate term of burden which the citizen can bear, it behooves us to avail ourselves of every occasion which presents itself for taking off the surcharge ; that it never may be seen here that, after leaving to labour the smallest portion of its earnings on which it can subsist, government shall itself consume the residue of what it was instituted to guard.

In our care too of the publick contributions entrusted to our direction, it would be prudent to multiply barriers against their dissipation, by appropriating specifick sums to every specifick purpose susceptible of definition ; by disallowing all applications of money varying from the appropriation in object, or transcending it in amount ; by reducing the undefined field of contingencies, and thereby circumscribing discretionary powers over money ; and by bringing back to a single department all accountabilities for money, where the examination may be prompt, efficacious and uniform.

An account of the receipts and expenditures of the last year, as prepared by the secretary of the treasury, will, as usual, be laid before you. The success which has

attended the late sales of the publick lands shows that, with attention, they may be made an important source of receipt. Among the payments, those made in discharge of the principal and interest of the national debt, will show that the publick faith has been exactly maintained. To these will be added an estimate of appropriations necessary for the ensuing year. This last will, of course, be affected by such modifications of the system of expense as you shall think proper to adopt.

A statement has been formed by the secretary at war, on mature consideration, of all the posts and stations where garrisons will be expedient, and of the number of men requisite for each garrison. The whole amount is considerably short of the present military establishment. For the surplus no particular use can be pointed out. For defence against invasion, their number is as nothing; nor is it considered needful or safe that a standing army should be kept up, in time of peace, for that purpose. Uncertain as we must ever be of the particular point in our circumference where an enemy may choose to invade us, the only force which can be ready at every point, and competent to oppose them, is the body of neighbouring citizens, as formed into a militia. On these, collected from the parts most convenient, in numbers proportioned to the invading force, it is best to rely not only to meet the first attack, but if it threatens to be permanent, to maintain the defence until regulars may be engaged to relieve them. These considerations render it important that we should, at every session, continue to amend the defects, which from time to time show themselves, in the laws for regulating the militia, until they are sufficiently perfect: nor should we now, or at any time, separate, until we can say we have done every thing for the militia, which we could do, were an enemy at our door.

The provision of military stores on hand will be laid before you, that you may judge of the additions still requisite.

With respect to the extent to which our naval preparations should be carried, some difference of opinion may be

expected to appear: but just attention to the circumstances of every part of the union will doubtless reconcile all. A small force will probably continue to be wanted, for actual service, in the Mediterranean. Whatever annual sum beyond that you may think proper to appropriate to naval preparations, would perhaps be better employed in providing those articles which may be kept without waste or consumption, and be in readiness when any exigence calls them into use. Progress has been made, as will appear by papers now communicated, in providing materials for seventy-four gun ships as directed by law.

How far the authority given by the legislature for procuring and establishing sites for naval purposes, has been perfectly understood and pursued in the execution, admits of some doubt. A statement of the expenses already incurred on that subject shall be laid before you. I have, in certain cases, suspended or slackened these expenditures, that the legislature might determine whether so many yards are necessary as have been contemplated. The works at this place are among those permitted to go on: and five of the seven frigates directed to be laid up, have been brought and laid up here, where, besides the safety of their position, they are under the eye of the executive administration, as well as of its agents, and where yourselves also will be guided by your own view, in the legislative provisions respecting them, which may from time to time be necessary. They are preserved in such condition, as well the vessels as whatever belongs to them, as to be at all times ready for sea on a short warning. Two others are yet to be laid up, so soon as they shall have received the repairs requisite to put them also into sound condition. As a superintending officer will be necessary at each yard, his duties and emoluments, hitherto fixed by the executive, will be a more proper subject for legislation. A communication will also be made of our progress in the execution of the law respecting the vessels directed to be sold.

The fortifications of our harbours, more or less advanced, present considerations of great difficulty. While some

of them are on a scale sufficiently proportioned to the advantages of their position, to the efficacy of their protection, and the importance of the points within it, others are so extensive, will cost so much in their first erection, so much in their maintenance, and require such a force to garrison them, as to make it questionable what is best now to be done. A statement of those commenced or projected, of the expenses already incurred, and estimates of their future cost, as far as can be foreseen, shall be laid before you, that you may be enabled to judge whether any alteration is necessary in the laws respecting this subject.

Agriculture, manufactures, commerce, and navigation, the four pillars of our prosperity, are then most thriving, when left most free to individual enterprise. Protection from casual embarrassments, however, may sometimes be seasonably interposed. If in the course of your observations or inquiries, they should appear to need any aid, within the limits of our constitutional powers, your sense of their importance is a sufficient assurance they will occupy your attention. We cannot, indeed, but all feel an anxious solicitude for the difficulties under which our carrying trade will soon be placed. How far it can be removed, otherwise than by time, is a subject of important consideration.

The judiciary system of the United States, and especially that portion of it recently erected, will of course present itself to the contemplation of Congress; and that they may be able to judge of the proportion which the institution bears to the business it has to perform, I have caused to be procured from the several states, and now lay before Congress, an exact statement of all the causes decided since the first establishment of the courts, and of those which were depending when additional courts and judges were brought into their aid.

And while on the judiciary organization, it will be worthy your consideration whether the protection of the inestimable institution of juries has been extended to all the cases involving the security of our persons and property. Their impartial selection also being essential to their

value, we ought further to consider whether that is sufficiently secured in those states, where they are named by a marshal depending on executive will, or designated by the court, or by officers dependent on them.

I cannot omit recommending a revisal of the laws on the subject of naturalization. Considering the ordinary chances of human life, a denial of citizenship under a residence of fourteen years is a denial to a great proportion of those who ask it; and controls a policy pursued, from their first settlement, by many of these States, and still believed of consequence to their prosperity. And shall we refuse to the unhappy fugitives from distress, that hospitality which the savages of the wilderness extended to our fathers arriving in this land? Shall oppressed humanity find no asylum on this globe? The Constitution, indeed, has wisely provided that, for admission to certain offices of important trust, a residence shall be required, sufficient to develop character and design. But might not the general character and capabilities of a citizen be safely communicated to every one manifesting a bona fide purpose of embarking his life and fortunes permanently with us? with restrictions, perhaps, to guard against the fraudulent usurpation of our flag; an abuse which brings so much embarrassment and loss on the genuine citizen, and so much danger to the nation of being involved in war, that no endeavour should be spared to detect and suppress it.

These, fellow-citizens, are the matters respecting the state of the nation, which I have thought of importance to be submitted to your consideration at this time. Some others of less moment, or not yet ready for communication, will be the subject of separate messages. I am happy in this opportunity of committing the arduous affairs of our government to the collected wisdom of the union. Nothing shall be wanting on my part to inform, as far as in my power, the legislative judgment; nor to carry that judgment into faithful execution. The prudence and temperance of your discussions will promote, within your own walls, that conciliation which so much befriends rational

conclusion; and by its example, will encourage among our constituents that progress of opinion, which is tending to unite them in object and in will. That all should be satisfied with any one order of things, is not to be expected; but I indulge the pleasing persuasion that the great body of our citizens will cordially concur in honest and disinterested efforts, which have for their object to preserve the general and state governments in their constitutional form and equilibrium; to maintain peace abroad, and order and obedience to the laws at home; to establish principles and practices of administration favourable to the security of liberty and property, and to reduce expenses to what is necessary for the useful purposes of government.

TH: JEFFERSON.

DOCUMENTS RESPECTING BARBARY,

**ACCOMPANYING THE PRESIDENT'S COMMUNICATIONS TO
CONGRESS, DECEMBER 8, 1801.**

*Extract of a Letter from the Secretary of State, to William
Eaton, Esq. Consul of the United States at Tunis, dated*

DEPARTMENT OF STATE,

WASHINGTON, MAY 20, 1801.

“THE proofs which have been given by the Bashaw of Tripoli, of hostile designs against the United States, have, as you will learn from commodore Dale, determined the President to send into the Mediterranean a squadron of three frigates and a sloop of war, under the command of that officer. Should war have been declared, or hostilities commenced, this force will be immediately employed in the defence and protection of our commerce against the piracies of that regency. It is hoped that the contagion will not have spread to Tunis or Algiers; but should one or both of them have followed the perfidious example, their corsairs will be equally repelled and punished.

“The policy of exhibiting a naval force on the coast of Barbary, has long been urged by yourself and the other consuls. The present moment is peculiarly favourable for the experiment, not only as it is a provision against an immediate danger, but as we are now at peace and amity with all the rest of the world, and as the force employed would, if at home, be at nearly the same expense, with less advantage to our mariners. The President has therefore every reason to expect the utmost exertions of your prudence and address, in giving the measure an impression

most advantageous to the character and interests of the United States. In effecting this object, the means must be left in a great degree to your knowledge of the local and other circumstances, which cannot be understood at this distance. You will of course take due pains to satisfy the Bey, that the United States are desirous of maintaining peace with all nations, who are willing to live in peace, that they have given abundant evidence of their disposition to cultivate the friendship of the Barbary regencies and of himself in particular, and that if the flag of the United States should be engaged in war with either of them, it will be a war of defence and necessity, not of choice or provocation. You will also give every friendly explanation and assurance on this occasion, which may be requisite for the consuls and agents of other powers residing at Tunis.

“You are authorized to inform the Bey of Tunis, that a vessel is now preparing to take in the cargo, which will complete the regalia due to him, and that no time will be lost in getting her on her voyage.

Note.—The same was written to Mr. O’Brien, except the last paragraph, with the following addition:—

“You will of course take due pains to satisfy the Dey, that the United States are desirous of maintaining peace with all nations who are willing to live in peace, that they have given abundant evidence of their disposition to cultivate the friendship of the Barbary regencies, and of himself in particular; that they expect from his good faith an efficacious interposition, according to our treaty with him, for guaranteeing the treaty with the Bashaw of Tripoli.

“The United States, it appears, will, before you receive this, be three years in arrears to the Dey. Towards making up the deficiency, the “George Washington” is under active preparation to carry timber and other stores for at least one annuity. Commodore Dale is charged with thirty thousand dollars, which the President hopes the Dey may have been induced to accept as a commutation for the stores due for another. He has also in charge four hundred yards of cloth, and thirty pieces of linen, for the bien-

nial present. Should you not have prevailed on the Dey, and should find it still impossible to prevail on him, to accept the thirty thousand dollars in lieu of the stores, without the application of four, five, or six thousand dollars, you will be supplied with that sum, and the sum of thirty thousand dollars will then be made up out of other moneys in the commodore's hands. Should there be no possibility of inducing the Dey to the measure, even with this aid, the whole sum of thirty thousand dollars is to be retained by the commodore. The balance for the remaining, or third year, will be sent as soon as it can be done, either in stores or money as may be agreed. You are already aware how much both the conveniency and interest of the United States will be promoted by substituting money for stores, rating the latter at thirty thousand dollars, as a permanent regulation, and will take due pains to bring about such a change. You may find it perhaps an argument of some weight with the Dey for preferring money to stores, that the former can always be remitted with more punctuality ; and that in times of war such of the latter as are held to be contraband by the European law of nations, may be exposed to captures by which he must be affected as well as the United States. In case you should succeed in the pecuniary commutation proposed, it will be proper in defining the sum of thirty thousand dollars to refer to some standard of weight and fineness in the metal, that will secure the United States against arbitrary regulations of the Dey, and quiet his jealousy, if he should have any, of imposition on the part of the United States. The Spanish dollars now in circulation may, for example, answer this purpose.

“The pretensions set up against the United States in the case of the ship *Fortune*, for indemnification to the owners of the merchandize, with which she was laden, shews the disadvantage of employing our vessels in the freight of Algerine property. You will, therefore, as far as you can, discourage that branch of trade ; and as far as it cannot be done, will take care to repress all expectation or claim whatsoever, to throw on the United States the losses by capture under their flag.

“One subject of equal importance and delicacy still remains. The sending to Constantinople, the national ship of war, the George Washington, by force, under the Algerine flag, and for such a purpose, has deeply affected the sensibility, not only of the President, but of the people of the United States. Whatever temporary effects it may have had favourable to our interests, the indignity is of so serious a nature, that it is not impossible that it may be deemed necessary, on a fit occasion, to revive the subject. Viewing it in this light, the President wishes that nothing may be said or done by you, that may unnecessarily preclude the competent authority from animadverting on that transaction in any way that a vindication of the national honour may be thought to prescribe.”

*Extract of a Letter from the same to James L. Cathcart,
Esq. Consul at Tripoli, dated*

DEPARTMENT OF STATE,

WASHINGTON, MAY 21, 1801.

“THE threat of hostilities against the trade of the United States by the Bashaw, certified in your communications, and issuing immediately from the Bashaw himself in a translation of his letter of 25 May last, certified by his interpreter Farfara, has determined the President to send into the Mediterranean a squadron of frigates and a sloop of war, under commodore Dale, by whom this is written. You will also receive from him a letter to the Bashaw from the President.

“Should war have been declared, or hostilities commenced, before the arrival of this squadron, it will be immediately employed in the defence and protection of our commerce, against the piratical attacks of the Bashaw's corsairs. Should war have been neither declared nor commenced, it is expected by the President that you will exert all your prudence and address in rendering the appearance of the squadron and the letter from the President sub-

servient to the preservation of peace, and to such impressions on the Bashaw as will be most favourable to the dignity and interests of the United States. The President relies the more on the zeal and success of these exertions, as the policy of exhibiting a naval force on the coast of Barbary, has long been urged by you and the other consuls. To aid your exertions on this occasion, you will be supplied by commodore Dale, with a sum if necessary which will be communicated by him. In a letter which I have written by the present opportunity to Mr. O'Brien, he is instructed to cultivate the good will of the Dey of Algiers, and to call on him for his stipulated interposition as guarantee of the treaty between the United States and the Bashaw. You will not fail to make the best use you can of the interposition if it be afforded."

THOMAS JEFFERSON, President of the United States of America. To the illustrious and honoured Bey of Tripoli of Barbary, whom God preserve.

GREAT AND RESPECTED FRIEND,

"THE assurances of friendship which our consul has given you, and of our sincere desire to cultivate peace and commerce with your subjects, are faithful expressions of our dispositions, and you will continue to find proofs of them in all those acts of respect and friendly intercourse which are due between nations standing as we do in the relations of peace and amity with each other.

"At the conclusion of our treaty with you, we endeavoured to prove our respect for yourself, and satisfaction at that event, by such demonstrations as gave you then entire content: and we are disposed to believe that in rendering into another language those expressions in your letter of the 25th of May last, which seem to imply purposes inconsistent with the faith of that transaction, your intentions have been misconstrued. On this supposition we renew to you sincerely assurances of our constant friendship, and that our desire to cultivate peace and commerce with you remains firm and unabated.

“ We have found it expedient to detach a squadron of observation into the Mediterranean sea, to superintend the safety of our commerce there, and to exercise our seamen in nautical duties. We recommend them to your hospitality and good offices, should occasion require their resorting to your harbours. We hope their appearance will give umbrage to no power ; for, while we mean to rest the safety of our commerce on the resources of our own strength and bravery in every sea, we have yet given to this squadron in strict command to conduct themselves towards all friendly powers with the most perfect respect and good order : it being the first object of our solicitude to cherish peace and friendship with all nations with whom it can be held on terms of equality and reciprocity.

“ I pray God, very great and respected friend, to have you always in his holy keeping.

“ Written at the City of Washington, the twenty-first day of May, in the year of our Lord one thousand eight hundred and one.

(Signed)

TH: JEFFERSON.

By the President,

(Signed) JAMES MADISON, *Secretary of State.*”

Form of a Letter which Commodore Dale was directed to write to the Dey of Algiers and the Bey of Tunis.

MAY IT PLEASE YOUR EXCELLENCY,

HAVING the honour to command a squadron of observation, despatched by the President of the United States into the Mediterranean sea, to support the safety of their commerce threatened with attacks by the Bashaw of Tripoli, and to exercise our seamen in nautical duty, the instructions that I have received from the President require, that in approaching your harbours I should tender the profound respect that is due to your excellency's dignity and character, and should recommend the squadron under my

command, to your hospitality and good offices. I leave to the consul of the United States the task of explaining more particularly the friendly dispositions of the United States towards your excellency, the proofs with which he is charged of their desire to maintain the treaty between the two powers, and the reliance of the President on similar dispositions on your part; for myself I only make use of the occasion to assure your excellency of the sensibility with which I shall experience your friendly countenance and accommodations, and of the sentiments of reverence and exalted esteem with which,

I have the honour to be, your excellency's obedient servant.

[CIRCULAR.]

DEPARTMENT OF STATE,

WASHINGTON, MAY 21, 1801.

SIR,

For a considerable time past suspicions have prevailed that a rupture with the United States was intended by the Bashaw of Tripoli. Of late, the alarms and proofs have been such as to impose on the President the obligation of making immediately the most effectual provision within his authority for the defence and protection of our Mediterranean commerce, in case it should be attacked from that quarter. At the last session of Congress six frigates were directed by law to be kept as a peace establishment.— Out of this force three frigates and also a sloop of war have been equipped and will sail for the Mediterranean in a few days, under the command of commodore Dale. Should war have been declared, or hostilities actually been commenced against our trade, this force will be employed in the most effectual manner for its safety. Should the means which have been or may be employed to obviate the necessity of such an application of the force be successful, the squadron after cruising a sufficient time in the Mediterranean, perhaps, if circumstances should not render it

unadvisable, as far as the Levant, and towards Constantinople, will return to the United States.

The expedition will by this means, be not without its use, whatever may be the state of things on its arrival. It will have the effect, from which so much advantage has been promised by our consuls and others, of exhibiting to the Barbary powers a respectable specimen of the naval faculties of the United States. It will exercise our mariners and instruct our officers in the line of their service, and in a sea which it may be particularly useful for them to understand.—And as they form a part of the peace establishment, the measure will add but inconsiderably to the expense otherwise to be incurred. The United States being now also happily at peace and amity with all the European powers, the moment is the more favourable in that view of the subject.

The President has thought proper that this early information and explanation should be given to you, that, being fully possessed of the causes and object of the expedition, you may guard it against any misconception or misrepresentation that may by possibility be attached to it: and moreover prepare the government where you are, to lend to this squadron such hospitalities and accommodations in its ports or elsewhere, as opportunities may claim, and as it would be incumbent on the United States to reciprocate.

The friendly disposition felt by the United States towards justifies them in their confidence that no convenient proof of a like disposition will be withheld, and of this friendly disposition you are authorized and instructed by the President, on all proper occasions, to give the most explicit and cordial assurances.

I have the honour to be, Sir, with great consideration,
your most obedient servant.

To Rufus King, London,
David Humphreys, Madrid,
William Smith, Lisbon,
W. V. Murray, Hague.

[CIRCULAR.]

DEPARTMENT OF STATE,

WASHINGTON, MAY 21, 1801.

SIR,

THE proofs, which have been received, of the hostile purposes of the Bashaw of Tripoli, having imposed on the President the obligation of providing immediately for the safety of our Mediterranean commerce, he has judged proper to send to the coast of Barbary a squadron of three frigates and a sloop of war, under the command of commodore Dale. The squadron will sail in a very few days from this date. Should war have been declared or hostilities commenced, commodore Dale is instructed to make the most effectual use of his force for the object to which it is destined. Should the means employed by our consuls, and those which accompany this expedition, for obviating such an event, be successful, the squadron then, after cruizing for some time in the Mediterranean, perhaps, if circumstances should not forbid, into the Levant and towards Constantinople, will return to the United States. The expedition will, by this means, be not without its use, whatever may be the state of things on its arrival. It will have the effect, from which so much advantage has been promised by our consuls and others, of exhibiting to the Barbary powers a naval force from the United States. It will exercise our mariners and instruct our officers in the line of their service, and in a sea where more than any other their services may be wanted; and as they form a part of the peace establishment fixed by law, the measure will add but inconsiderably to the expense that would otherwise be incurred. The United States being also happily at peace with all the powers of Europe, the moment is the more favourable in every view that can be taken of it.

The President has thought proper that you should be furnished with the information here given, in order, first, that you may be ready to afford every friendly and useful accommodation that occasions may admit, to the squadron

or any part of it : secondly, that being possessed of the objects of the expedition and the considerations which led to it, you may be able by proper explanations to prevent its being misunderstood. The United States persist steadfastly in their desire of living in peace and friendship with all nations who will permit them, and on all occasions where assurances to that effect can be proper, you are authorized to make them in the most satisfactory manner.

I am, with great consideration, Sir, your most obedient servant, (Signed) JAMES MADISON.

A copy forwarded to each of the following named Consuls: Thomas Bulkeley, Consul, Lisbon; John Gavino, Gibraltar; Anthony Terry, (acting) Cadiz; James Simpson, Tangier; William Kirkpatrick, Malaga; William Willis, Barcelona; Robert Montgomery, Alicant; John Matthieu, Naples; Frederick H. Walloston, Genoa; Thomas Appleton, Leghorn; John Lamson, Trieste; Etienne Cathalan, agent, Marseilles.

Extract of a Letter from James Leander Cathcart, to the Secretary of State, dated,

TRIPOLI, APRIL 18, 1800.

“ I HAD the honour of receiving yours of the 15th of January on the 13th instant, and am happy my conduct has been approved of by the President. Yours to Dr. M'Donogh I delivered to the British consul to forward to him or to keep until his arrival. I have already informed you that he departed from hence with commodore Campbell last January, in order to solicit the court of Portugal for the consulate of this regency, he having the commodore's promise of recommendations.

“ In consequence of the decease of our political father, I sent my drogoman to inform the Bashaw that the next day I should hoist the banners of the United States half mast, the only token of respect which I had in my power to pay to the manes of our much beloved patriot, intending

to wait a proper opportunity to communicate to him your intimation. The Bashaw sent me a very polite message, expressing his concern for our loss, and requesting to know if the President had received his letter, which was forwarded by the Sophia. I answered in the affirmative, and ordered the drogoman to inform his excellency that I would wait on him when he was at leisure.

“ In the evening he sent Farfara to inform me that he was indisposed or would have been glad to see me, and requested if I had any thing to impart that I would communicate it to Farfara. I accordingly requested him to express to the Bashaw his excellency the President’s satisfaction with the arrangements that took place last year, and to assure him that he had never considered him as dependent upon either of the other regencies, that he had always treated him as an independent prince, and the government of the United States would always consider him with as much respect, and treat him with the same friendship that they did the heads of the other regencies. Farfara returned with the following answer. ‘ His excellency the Bashaw has desired me to request you to acquaint the President of the United States, that he is exceedingly pleased with his proffers of friendship ; that the respect which he has shewn to his communication is really flattering ; that had his protestations been accompanied with a frigate or brig of war, such as we had given the Algerines, he would be still more inclined to believe them genuine ; that compliments, although acceptable, were of very little value, and that the heads of the Barbary states knew their friends by the value of the presents that they received from them.’

“ It being too late for any answer that evening, I made such comments on the Bashaw’s message as might serve to eradicate from the mind of the Jew the most distant expectation that the President would ever make so great a sacrifice, which I informed him was entirely incompatible with the interests of the United States.

“ Considering it highly improper to delay giving a direct,

explicit, and categorical answer to the Bashaw's insinuation, I sent my drogoman to the castle to request an audience; I having previously formed a resolution never to employ a third person whenever the honour or the interest of my country was concerned. The drogoman informed me that his excellency had seen Farfara, and if I had any further communication to make, to employ him, as he was very much indisposed. Thus was I disappointed.

“Farfara waited upon me in the afternoon, when I requested him to inform the Bashaw, that if he supposed that the cruisers which were sent by our government to Algiers were given gratuitously he had been misinformed; that during our negotiation last year I had acquainted him that the frigate was given to that regency in lieu of cash, for the ransom of our citizens, which had been redeemed on credit more than a year before her arrival; that the cruisers were built on commission, and paid for in cash out of the publick treasury, and were not the property of the Dey, as he supposed; that I had copies of their accounts by me which he should peruse if he thought proper, whereby he would be informed of the magnitude of his expectation, and the improbability of the United States having given them gratuitously; that I was sensible how disagreeable it would be to disappoint expectations when once formed; I therefore found it my duty to prevent any taking place, in order to avoid the chagrin attending a positive refusal, which, from the nature of the request, must naturally be expected from the President of the United States.

“The Bashaw returned in answer, that he had concluded peace with the United States for much less than he had received from other nations, and that he knew his friends by what he received from them.

“I shall by no means broach this subject to the Bashaw again, as I have hindered him from having any ground for expectation, and shall continue to act in the same manner, should he ever make it a topick of conversation, as he can have no pretext to make a demand, and only insinuates that he expects some mark of the President's friendship,

more substantial than compliments. I imagine it will be best to take no further notice of it. The appearance of our frigates in the Mediterranean will, I hope, eradicate any expectation that he may have flattered himself with, if any really exists ; and until that period, believe me, Sir, our commerce will never be upon a respectable footing in these seas."

Extract of a Letter from the same to the same, dated

MAY 12, 1800.

" GIVE me leave to inform you, in addition to mine of the 18th of April, a copy of which is enclosed with this despatch, that on the twenty-first of said month a board of consuls were called by the Bashaw, relative to the affairs of Sweden, in order to facilitate as much as possible, his depredations and unjust demands upon that nation. As I have already forwarded to you the particulars of their last arrangement, I at present refer you to the copy of the certificate herewith enclosed for the result. During the course of conversation the Bashaw observed ' that he never made reprisals on any nation, or declared war, but in consequence of their promises not being fulfilled, or for a want of due respect being shewn him ; that he conceived himself entitled to the same respect that was shewn to the Bashaws of Algiers and Tunis, but that some nations gave more to the officers in each of those regencies than they had given to him for their peace.' The last remark was evidently pointed at the United States, but as it was made in general terms, I thought proper not to seem to understand it, especially as I could say very little more on the subject than what I had already communicated to him through the agency of Signior Farfara.

" On the 2d of May a courier arrived from Tunis, which brought me the copies of your letters of the 15th of January, which arrived in the ship Hero. Before I had time to read them, Farfara came and informed me that the Bashaw wanted to see me immediately. I asked him if he

knew what his excellency wanted ; he said he did not, that he had received letters from Tunis, and seemed very much irritated. It being late in the evening, I waited on him in dishabille, when the following conversation took place, which I have endeavoured to render verbatim.

‘ You have received letters from America : how were they brought to Tunis ?

‘ In a vessel direct from America :

‘ What is her business at Tunis ?

‘ She has brought the stores stipulated by treaty with that regency.

‘ What do they consist of ?

‘ I do not know the particular articles which compose her cargo, but it chiefly consists of lumber and articles, such as were promised to your excellency when our peace took place.

‘ What do your letters from your government contain ?

‘ They are merely copies of what I had already received, the contents of which your excellency was informed by Farfara.’

“ This being a favourable opportunity to know whether our broker had acted with candour, I repeated what was contained in mine of the 18th of April, and found by the Bashaw’s answers (which were exactly what Farfara had before informed me) that he had acted honestly.

“ The Bashaw observed that the United States had made liberal presents to Algiers and Tunis, that he was informed of the particulars of all our negotiations, that he even had a list of the cargo which had arrived at Tunis, that it is worth a *treasure*. ‘ Why do not the United States send me a voluntary present ? They have acted with me as if they had done every thing against their will. First, they solicited the interference of the Dey of Algiers, in consequence of which I concluded a peace with them for almost nothing in comparison to what I have received from other nations, I having received many favours from Hassan Bashaw, during the continuance of the revolution in this kingdom. They next made me wait more than two years

before they sent their consul, and then he came without the stipulated stores. Nevertheless, in order to convince them of my good and friendly intentions, I accepted of the small sum of eighteen thousand dollars in lieu thereof, not doubting but they would be grateful enough to make me some return for my civility; but I have the mortification to be informed that they have now sent a ship load of stores to Tunis, besides promising a present of jewels, and to me they have sent compliments. But I have cruisers as well as Tunis, and as good Raizes and sailors. I am an independent prince as well as the Bashaw of Tunis, and I can hurt the commerce of any nation, as much as the Tunisians. Why then should so great a difference be made?

“From the tenour of the Bashaw’s harangue I perceived that his aim was to intimidate me, to say something that might hereafter be interpreted into a promise of a present, the value of which he would probably dictate himself. I therefore answered him as follows:—

‘Whatever information your excellency has received relative to the value of the presents or stores which have been given to Tunis, it has been amazingly exaggerated. We have never made any but what were stipulated by treaty, nor can we ever make voluntary presents, it being incompatible with our form of government, the funds of the United States not being at the disposal of the President until an appropriation is made by an act of the legislature. The funds for carrying our treaty with Tripoli into effect are exhausted; and last year your excellency wrote to the President of the United States that you were contented with what you had already received. You, therefore, in justice, could not expect any thing at present from the United States, but a reciprocal tender of friendship. Had your excellency preferred the stores to cash, and waited with patience until they were forwarded, as the Bey of Tunis has done, I am convinced they would have arrived long ere now. But at present, as the United States have fulfilled the stipulations of the treaty, they are not in arrears to this regency, and any demands upon them must

naturally be very unexpected.' The Bashaw observed it was late, had coffee served, and said he would converse with me upon the subject at some other opportunity. I wished him a very good evening.

" May 4, the Siddi Mahomed Daguize, and Signior Farfara, came to the American house and informed me that the Bashaw had ordered them to ask me if I had taken any resolution in consequence of the conversation which I had with him on the 2d inst. I informed them that I had taken none whatever, and that it seemed unaccountable to me that his excellency should expect any other answer after what I had informed him in their presence. They stayed about an hour, during which time their conversation tended to persuade me that, considering the Bashaw's character, it was certainly the interest of the United States to make a sacrifice, that otherwise it would be impossible to remain long on good terms with him. I made use of the same arguments which I had done before. I, therefore, will not tire you with a repetition.

"At 6 P.M. they returned, and informed that the Bashaw was very much displeased, and had ordered them to acquaint me that he was informed that the Sahibtappa at Tunis had received more than forty thousand dollars from the United States, in cash, besides presents; that he had received very little more, and that he had never imagined the United States meant to put him on an equality with one of the Bey of Tunis's ministers.

" I observed that the Bashaw was misinformed by his correspondent, who, in order to ingratiate himself in his favour, had informed him of things which had never taken place; that he was giving himself as well as them and me a great deal of trouble, without any hopes of reaping the least benefit therefrom; that I requested them to inform his excellency that I had not power to offer him a dollar, and that there were no funds in the United States appropriated for maintaining our peace with Tripoli, as we had carried our treaty into effect already; that he had wrote to the President of the United States, the Dey of Algiers,

and Bey of Tunis, that he had settled with the agent of the United States, and had received a cash payment in lieu and in full of all demands, and that he was content ; that only three years and an half had elapsed since our treaty commenced ; that the first year he had received forty thousand dollars in cash, and the value of eight thousand in presents ; that the second he had received twelve thousand dollars ; and that last year he had received eighteen thousand, and presents to the value of four thousand more : that on the circumcision of his son, Siddi Aly, I had made him a present, superiour to the presents which were made him by the consuls of other nations on the same occasion ; that consequently the government of the United States were not deficient either in their respect to him, or tokens of friendship, as he had received in the short period of three years and an half, cash and presents to the amount of eighty-three thousand dollars, exclusive of ten thousand measures of grain which Hassan Bashaw had made him a present of, in consequence of his having concluded a treaty with the United States, which was worth at Tripoli near twenty thousand dollars more ; that I was persuaded that if his excellency would give himself the trouble to reflect on the circumstances which had taken place since the commencement of the treaty between the United States and this regency, that he would not hesitate a moment in acknowledging the justice and propriety of my observations.

“ In the evening the Bashaw’s emissaries returned, and informed me that they had encountered great difficulty in persuading the Bashaw to believe that the consul had not power to make him a present without an express order from his government. His excellency said that he had received many presents from the consuls of other nations, and that their conduct had afterwards been approved. They observed that the form of government of the United States was vastly different from the government of every other nation, with whom his excellency was at peace ; that he had a recent example that the powers of a consul were

limited, in the result of the Swedish consul's negotiation, he having arranged the affairs of his nation without receiving orders from his court; that he knew the consequence—his bills were protested, he had received a severe reprimand from the King of Sweden, and was immediately suspended; and that his excellency might depend that the American consul would take care never to be reduced to a similar predicament, whatever might be the consequence of his non-compliance with his excellency's demand.

“ They further informed me that the Bashaw had ordered them to request me to write to my government, to inform them that when he had wrote to the President of the United States he was contented with what he had received; that he really was so, on a supposition that the presents to him bore some proportion to those that had been promised to Tunis; that at present he was informed to the contrary, and that he felt himself amazingly hurt when he considered that he had been treated with indifference; and that he never would be convinced that the friendship of the United States was sincere until there was a greater equality observed in their donations between the two nations, or in other words, until he received some further marks of the President's esteem more substantial than mere compliments. They said that although the Bashaw was inclined to credit the impossibility of the consul's making him a present without orders from his court, that he likewise was sensible how much depended on the manner of his representation, that he believed he had treated him with every respect since his arrival at Tripoli, and he requested I would write in such terms as would insure him from the mortification of being disappointed; adding, this he expected from the consul as he values my future favour and a happy result to the objects of his mission. I replied that the object contemplated by the United States in sending an agent the vast distance of near 6,000 miles was to endeavour to maintain a friendly intercourse between the two nations on honourable and equitable terms; that as it had pleased God to employ me

as the instrument to promote so desired an effect, he might rest assured I should take pleasure in representing *facts* for the consideration of government in as favourable a manner as the dignity annexed to my office would admit; that as it would be the height of presumption in me to dictate to the President of the United States what he ought to do in the present case, so on the other hand, I by no means consider it to be a part of my official duty in any means to oppose the liberal intentions of government, should they be found disposed to make him a present, but on the contrary should I receive orders to that effect, I would take pleasure in executing them; but must again beg leave to repeat that the issue depended on them only. They retired, promised to make a faithful report to his excellency, protested they would use their influence in favour of the United States, and requested me not to close my letters until I heard farther from the Bashaw either direct or through their agency.

“May the 6th, I waited on the Bashaw to pay my compliments to him in consequence of the festival; he treated me with great politeness, but I could easily discern that it was against his inclination; there was something in his countenance that indicated his smiles were not sincere and ought not to be depended on.

“May the 10th, Farfara came to the American house, and informed me that the Bashaw had concluded to write to the President of the United States himself, as he entertained some suspicion that I would not write to government with sufficient energy; that the Bashaw would send me his letter the first opportunity that should present, to forward it, which he hoped I had no objection to do. I replied, none in the least, and requested Farfara to procure me a copy, if possible, which he promised to do. Having waited until the date of this despatch without having heard anything more on the subject, I hasten to get my despatches in readiness to forward by the first conveyance. Should any thing intervene worthy of notice before I receive the Bashaw's letter it shall be the subject of another despatch.”

Extract of a Letter from the same to the Secretary of State, dated

MAY 27, 1800.

“SINCE the date of the enclosed despatch, I heard nothing from the Bashaw until the evening of the 25th inst. when Siddi Mahomed Daguize sent me the original in Arabic, of which the enclosed is a literal translation. The only conclusion which can be drawn from the Bashaw's proceedings is, that he wants a present, and if he does not get one, he will forge pretences to commit depredations on the property of our fellow citizens. His letter to the President will be the means of keeping him quiet until he receives an answer, provided no unnecessary delay is made, as he will expect to reap a benefit therefrom. Should government think proper to make him a present, it will have the desired effect probably for one year, but not longer. I therefore can see no alternative but to station some of our frigates in the Mediterranean, otherwise, we will be continually subject to the same insults which the Imperials, Danes, Swedes, and Ragusans have already suffered, and will still continue to suffer.”

Translated extract from a Letter of the Bashaw of Tripoli, to the President of the United States, dated

MAY 25, 1800.

“AFTER having cultivated the branches of our good will and paved the way for a good understanding and perfect friendship which we wish may continue for ever, we make known that the object and contents of this our present letter, is, that whereas your consul who resides at our court in your service, has communicated to us, in your name, that you have written to him, informing him that you regarded the regency of Tripoli in the same point of view as the other regencies of Barbary, and to be upon the same footing of friendship and importance. In order to further

strengthen the bonds of a good understanding, blessed be God, may he complete and grant to you his high protection. But our sincere friend, we could wish that these your expressions were followed by deeds, and not by empty words. You will therefore endeavour to satisfy us by a good manner of proceeding. We on our part will correspond with you, with equal friendship, as well in words as deeds. But if only flattering words are meant without performance, every one will act as he finds convenient. We beg a speedy answer, without neglect of time, as a delay on your part cannot but be prejudicial to your interests. In the mean time we wish you happiness.

“ Given in Tripoli in Barbary, the 29th of the moon Hegia, the year of the Hegira 1214, which corresponds with the 25th May, 1800.”

Extract of a Letter from the same to the same, dated

TRIPOLI, OCTOBER 18, 1801.

“ ON the 16th, I waited upon the Bashaw in company with captain Carpenter to demand satisfaction for the insult our flag had suffered in having one of our vessels brought in here without any visible cause, her papers and passport being in perfect order ; and likewise to demand restitution of property plundered from the brig.

“ The Bashaw answered that he had not given orders to the Raize to bring in American vessels ; that he had broke him, and dismissed him from his service ; and then gave orders to the minister of marine to have every article that was plundered from the brig returned.”

“ The Bashaw then commenced thus—‘ Consul, there is no nation I wish more to be at peace with than yours ; but all nations pay me, and so must the Americans.’ I answered, ‘ we have already paid you all we owe you, and are nothing in arrears.’ He answered, ‘ that for the peace we had paid him it was true, but to maintain the peace we had

given him nothing.' I observed, that the terms of our treaty were to pay him the stipulated cash, stores, &c. in full of all demands for ever,' and then repeated nearly to the same effect as is contained in my despatch of the 12th of May, which, to avoid repetition, I forbear inserting. The Bashaw then observed, that we had given a great deal to Algiers and Tunis, and that the Portuguese captain informed him, that when he passed by Algiers about the middle of last month, that he had seen an American frigate in the bay which he supposed had brought more presents to the Dey—'Why do they neglect me in their donations? Let them give me a stipulated sum annually, and I will be reasonable as to the amount.'

"In answer to the first I replied, that it was true that one of our frigates was at Algiers, being one of a squadron of three 44 gun ships and some smaller vessels, which were appointed to protect our commerce in the Mediterranean; but whether they had presents on board for the regency of Algiers, or not, I could not inform him: that some of them would have been at Tripoli before now, had I not informed them that they had better stay away until the spring, upon account of the badness of this road, which renders it very unsafe at this season: and in answer to his proposal of an annuity, I replied with some warmth exactly what I had requested Daguize to inform him of in my name yesterday evening. 'Well then,' replied the Bashaw, 'let your government give me a sum of money and I will be content, but paid I will be, one way or other. I now desire you to inform your government that I will wait six months for an answer to my letter to the President: that if it did not arrive in that period, and if it was not satisfactory, if it did arrive, that I will declare *War* in form against the United States. Inform your government,' said he, 'how I have served the Swedes, who concluded their treaty since yours; let them know that the French, English, and Spaniards, have always sent me presents from time to time to preserve their peace; and if they do not do the same, I will order my cruisers to bring their vessels in whenever they can find

them;' He then turned to Daguize and told him to explain to captain Carpenter what he had informed me, (they both speaking French) and added ' that he did not wish to make it a private affair between the consul and him, and desired him to make it publick, as he wished the whole world to know it. He then told Daguize to tell the captain that he hoped the United States would not neglect him, as six or eight vessels of the value of his would amount to a much larger sum than he ever expected to get from the United States for remaining at peace; besides,' said he, ' I have a great desire to have some captains like you here to learn me to speak English.'

"I answered that it was absolutely impossible for to receive answers to the letters which he desired me to write by captain Carpenter in six months, as it would be nearly that time before he would get home, upon account of the winter season; that I expected his excellency would wait until the answer arrived, let that be long or short; and observed that none but those who held a correspondence with the *Devil* could determine whether he would be content with the President's answer, or not; as neither the President nor myself knew what would content him. I therefore requested him to inform me explicitly what was his expectations. To the first he answered ' I will not only wait for answers from your President, but I will now detain the brig and write to him again; but I expect when he sends his answers that they will be such as will empower you to conclude with me immediately; if they are not, I will capture your vessels; and as you have frequently informed me that your instructions do not authorize you to give me a dollar, I will therefore not inform you what I expect until you are empowered to negotiate with me; but you may inform your President, that if he is disposed to pay me for my friendship I will be moderate in my demands.' The Bashaw then rose from his seat and went out of the room, leaving me to make what comment I thought proper upon his extraordinary conduct."

Copy of a Letter from Mr. O'Brien to Captain Bainbridge.

SIR,

YOUR letter to me of this date I have received and seriously considered its contents, and shall observe, Sir, that from the day the United States ship under your command arrived in this port, and to this day it has been generally supposed that the regency would insist that the United States ship should proceed to the Levant on the business—or mission of this regency.—On the 18th ult. when you went with me to pay your respects to the Dey, after a little Algerine ceremony, the Dey said he would want this ship as a favour from the United States, to carry his ambassador and presents to Constantinople, and return on the business to Algiers. I observed to the Dey, that the captain or consul had no orders or power, which, in any respects, could justify us in acquiescing in his demand, that without the orders of the United States we could not do any such thing, that we having no orders we could make no responsibility, that the captain could not protect his property against the Portuguese or Neapolitans, that your orders were to return to the United States, and by orders you could only defend your ship against French Corsairs. The Dey did not seem satisfied with these explanations, that shortly after I repeated nearly the same objections on this business to the Algerine prime minister.

On the 26th ult. the Dey sent for me and the British consul, and asked me if I was still determined not to acquiesce in making responsibility and carrying his ambassador and presents. I again repeated all the arguments which I made use of on the 18th ult. and added, as this vessel belonged to the government of the United States, and we having no fixed peace or treaty with the Italian states, or with the Grand Signior, that this ship and crew would be in a very singular predicament in going to Constantinople on the business of the regency, we having no ambassador or consul at these places. The Dey answered passionately,

that these were all excuses, that other nations had rendered Algiers the like favours, but that if the British consul would promise faithfully that a British ship of war would come here and go to the Levant on this mission, that under this consideration he would let the American ship return to her country—the British consul, John Falcon, Esq. promised and assured the Dey (in my presence) that as lord Keith had promised to send a ship of war on this business that said ship might be daily expected. The Dey observed, he would wait a few days before he would fully determine, to see if the British ship would arrive.

The Dey remained undetermined until the 3d inst. when arrived at Algiers from Mahon, a British ship of war of 24 guns, sent by the orders of lord Keith, intentionally to carry the ambassador and presents of Algiers to Constantinople. This business seemed finished and settled, in order that the British ship of war, would proceed on the business. But from the 4th inst. to this date, the Dey and ministry, and sundry persons of influence started many difficulties relative to the mission of the regency going in the British ship, and finally objected to go. When this morning the Dey came to town from his country seat, and at 10 A. M. sent for me and told me without any alternative, the United States ship should do him the favour to carry his ambassador and presents to Constantinople, that if this favour or demand was not complied with, that he no longer holds to his friendship with the United States.

On my declaring that I or the captain of the United States ship had no orders and could not justify ourselves to our government to acquiesce, the Dey got very angry, and declared that he considered every thing we did say or could say to be excuses not to do him the favour he required, and if this favour was not acquiesced to, he knew what to do, that other nations frequently did it, and he could see no reason or motive which should prevent me on the part of the United States, acquiescing to the request.

I again repeated to the Dey that I or the captain could make no responsibility on the part of the United States, that we could not think his property safe under the American flag from the capture of his enemies, that the ship sailed dull or heavy, that it was war time, a thousand difficulties might happen. The Dey hastily observed that God was great, that all was on his head, that all difficulties would be surmounted.

I again declared that I or the captain had no orders which would in any respect justify ourselves to acquiesce. The Dey said he would justify us, and that the ship should go *per force*, and that we had no alternative but to do him this favour, that his mind and his ministry's were soured against the British, and that on this account he rejected the British ship, and would insist his request should be complied with.

The Dey said he would send his flag to the marine to be hoisted at the mast head of the American ship. I answered I was very sorry on account of his determination, and withdrew; went and explained to the prime minister all that had passed or was said on this business between the Dey and me.

The prime minister observed that the Dey's mind was so positively fixed and determined on this affair, that there would be no alternative but to comply to prevent greater evils, reminding me of several overt acts of this regency to the consuls of other nations and their affairs, that he had tried to prevent the Dey from sending the American ship, that it had no effect.

At meridian, I and captain Bainbridge were sent for by the general of marine, when we made use of all those arguments which are heretofore detailed; the general of marine declared that there was no alternative but to comply. After our retiring from the marine half an hour, the general of marine sent to the consular house of the United States to acquaint us that it was the orders of the Dey of Algiers, that the flag of Algiers should be hoisted to the main-top-gallant-mast-head of the American ship.

That we answered all was *per force*, that we were in their power, and the regency of course might do as they had a mind. Shortly after we determined to see the Dey, and sent the American drogoman to acquaint the Dey that the consul of the United States, and commandant of the United States ship demanded an audience.

At 2 P. M. we were in the presence of the Dey, and stated all those difficulties and all our former objections, that we had no orders, could not justify ourselves, and could make no responsibility. The Dey observed that there was no alternative but to comply, that in doing him this favour, that he never would forget it on the part of the United States, and that when he did God would forget him, that he would write to the government of the United States on this business of his making this demand, and assured captain Bainbridge and me that the United States would be highly pleased at the conduct of the consul and commandant in obliging the Dey and regency agreeable to the request he made to us as a favour from the United States. We observed to the Dey that this was a forced business, that under this idea and for the safety of his presents it would be better that his flag should be hoisted at the fore-top-gallant-mast-head than the main. The Dey declared he did not well know this business, but that those at the marine knew the custom, he believed it was at the main.

On this we went to the marine, told the general of marine that if this United States ship should haul down her pendant, and hoist the Algerine flag at the main, that said ship agreeable to our laws was out of commission, and would not be considered as a publick ship of the United States, that the Algerine flag would be the same thing at the fore as the main, but to us it made great difference, that by Christian laws the ship would be considered as an Algerine property and not as a ship of the United States, that we made this remonstrance and observation to prevent difficulties; on this explanation the general of marine got into a great passion, swore that the proposition and

idea was made as an evasive pretence, that the ships of war of Spain and France and other nations, had acquiesced to hoist the Algerine flag at the main, that it was by the flag being hoisted there, that the mission was known and announced at Algiers and Constantinople. I explained to you Sir, that it was the custom as I have seen and known, that the French and Spanish ships of war going on the like mission, hoisted at Algiers and Constantinople, the Algerine flag at the main, that at sea he wore his pennant and was more his own master. On this you observed, it being a forced business, that if there was a right to acquiesce to one point, there was no alternative but by the same rule to acquiesce to the other, relative to the flag.

The general of marine and officers of ditto, said if there was not a compliance on this business, agreeable to customs of all nations heretofore, that there no longer existed friendship between this regency and the United States. I observed that I was sorry that the United States had so much reason to know Algiers, and that Algiers had no reason to know the United States.

We went on board, the Turkish flag was hoisted at the main of the United States ship, and was saluted with seven guns as customary.

Painful is the detail, but it contains a narrative of facts. To the truth thereof, witness my hand and seal of office at Algiers, this 9th day of October, 1800.

I am Sir very respectfully, your most obedient servant,

(Signed)

RICHARD O'BRIEN.

Extract of a Letter from Richard O'Brien to the Secretary of State, dated at Algiers, October 22, 1800.

“As the United States ship Washington, captain Bainbridge, has proceeded *per force*, in fact to save the peace of the United States with Algiers, to prevent captivity and detention to the ship, officers, and crew, and prevent the pretence of a sudden war and pillage and slavery to the

citizens of the United States: I calculate that if said ship goes and comes safe in five months, it will cost the United States 40,000 dollars. This in comparison to what our losses might be if *war*, left me no time to hesitate in the choice of the evils and difficulties which presented fully in view; in surveying both sides of the coast and how we should stand on both tacks, I found there was no alternative but to proceed.

“ I have made no responsibility, as is customary with all nations, (with) the Dey and regency. I am convinced that if an accident should happen to the *Washington* in being captured by any nation, or by being driven on shore, that as soon as this news would reach Algiers, that they would immediately send out their corsairs and send in all American vessels they should meet with, in order to repay themselves for the amount of Algerine property on board the *Washington*—we submitted to it in the affair of the ship *Fortune*, and if the amount in reality was 600,000 dollars the regency would take to the amount of one million of dollars.—It is their custom. Is not it a hard case for us to risk the ship and crew of the United States, and Algiers to force said ship, and if any accident to be liable to difficulties and calamities I have described.”

Extract of a Letter from Mr. Cathcart to the Secretary of State, dated

TRIPOLI, JANUARY 4, 1801.

“ ON the 2d inst. in the evening, the banners of Sweden, by the Bashaw's request, were hoisted upon the Danish house, and a temporary flagstaff was prepared in order that the customary salute should be fired next day. When a peace takes place with any nation, it is customary for the different consuls to congratulate the Bashaw on the event; you may judge with what a grace I performed a ceremony so repugnant to my feelings, but it was necessary. I accordingly waited upon his excellency in company with the

Danish consul, Swedish ex-consul, Mr. Bohrstrom the present consul, and several others;—after congratulation, perfumation, fumigation, and drinking of coffee and sherbet were over, commenced the following litigation:—‘I have concluded a peace with the Swedes,’ commenced the Bashaw, ‘and I am certain that the king of Sweden is sensible that I was forced to declare war against his nation contrary to my inclination, for had my demands been satisfied in the first instance, I should not have captured their ships and enslaved their people; some nations,’ added he, (meaning the United States) ‘have used me very ill, they look upon me as nothing, they have recourse to Algiers for all things; I should be glad to know which is thought most of at Constantinople?’—I could easily have solved that doubt, by saying that the Dey of Algiers had lately sent presents to the Grand Signior to the amount of a million of dollars, which were powerful arguments in his favour; but as the conversation was general, I did not conceive it more incumbent on me to answer his prologue than any of the rest of the company, and in fact I could say nothing but what I have communicated already. The Bashaw observing my silence, directed his discourse to me, and asked me if I understood the Arabic and Turkish languages, I answered that I had a trifling knowledge of them, but spoke them so miserably that I never used any of them, especially as his excellency and ministers all spoke Italian. ‘Pray,’ says the Bashaw, ‘what was the present Dey of Algiers in the reign of Mahomed Bashaw?’ I answered that he was a person very much respected in consequence of his being the cousin of Hassan Bashaw, but had no post whatever. ‘And pray, what was Hassan Bashaw at that time.’ First, he was *bik ilharche* of the marine, and afterwards was made prime minister and treasurer in Algiers called the Hasnagi. The Bashaw turned up his nose with visible signs of contempt, and was going to proceed, when a person informed him that a piece of timber was not to be found in the whole regency large enough to make a flag-staff for the Swedes, unless they took one of the cruisers

spars, 'It is a difficult thing,' says the son of Ali Bashaw, 'to get a flagstaff put up when it once comes down; when the American flagstaff comes down it will take a great deal of grease, (meaning money) 'to get it up again; the Danish flagstaff is broke I hear and wants mending with a new one.' He smiled a ghastly *grin*, and said, 'after all, what is twenty thousand dollars a year for a Christian nation to pay that has such vast resources. Had I enough to live on I would not trouble myself with cruisers, although my subjects always wish war, because it is to their advantage. How many Raizes,' added he, 'have I that know the way to the Great Sea?' Admiral Morad answered about twenty. 'There not being I believe one capable but himself, without his accompanying them, shews that the Bashaw and his officers pay no great regard to truth.—' Well,' replied his excellency, 'I will find them vessels—In Tripoli, consul, we are all hungry, and if we are not provided for, we soon get sick and peevish.' As the Bashaw spoke in metaphors I answered him in the same manner, by saying, that when the chief physician prescribed the medicine, I should have no objection to administer the dose, but until then I could say nothing on the subject. 'Take care,' answered the Bashaw, 'that the medicine does not come too late, and if it comes in time that it will not be strong enough.'

Extract of a Letter from Richard O'Brien to the Secretary of State, dated at

ALGIERS, JANUARY 27, 1801.

"On the 21st inst. arrived at Algiers, in 23 days from Constantinople, the United States ship the George Washington, William Bainbridge, Esq. commander. The Grand Signior has detained the Algerine ambassador sent, and presents, until that the regency of Algiers complies with all his demands, and will have full submission to his orders.

"The presents and funds, which were sent by the

Washington, certainly amounted to one and an half million of dollars. A Swede with the Dey's nephew arrived at Smyrna with 500,000. This was by the orders of the captain Bashaw deposited in the treasury of the Grand Signior at Smyrna. Another Swede, with the Algerine prime minister's nephew, with at least 400,000 dollars, ran on shore at the island of Candia. This money also has fallen into the possession of the Grand Signior. Add to this that the hundred Turks who went in the Washington, and are detained at Constantinople, were chiefly the most rich and first men of this regency. These considerations will certainly induce this regency to acquiesce in the demands of the Grand Signior.

“The Dey will make a haul to repay him for his present losses, I hope we shall not be the victims; we are nearly two and an half years in arrear; no funds, we have a valuable unguarded commerce in these seas; we are threatened by all Barbary; therefore we should act with energy, make good our stipulations and annuities, have consular friends (not to be depending on mercenary Jews) and shew force in this sea.”

*Extracts of a Letter from Mr. O'Brien to Mr. Smith,
Minister Plenipotentiary of the United States, at Lis-
bon, dated*

ALGIERS, FEBRUARY 7, 1801.

“EVEN at this moment I shudder for fear of our valuable vessels and citizens in this sea; so much in arrears, no funds, no corsairs, and threatened by all the dogs of prey.

“Algiers, a pirate state, wants employment for the refractory and for their corsairs. The troubles of the Baltic will scare the Swedes and Danes into port, and we in arrears, no oil in our lamps, no anchors and cables, no corsairs in this sea: we will be the victims: such, Sir, is my present fears.”

Extract of a Letter from Mr. Cathcart, to the Secretary of State, dated

TRIPOLI IN BARBARY, MAY 16, 1801.

“ THIS evening (10th May) at 6 P. M. Hadgi Mahomude la Sore, the same that went to Algiers in the Hamdullah, came to the American house, and told me not to be alarmed, for the Bashaw had sent him to inform me, that he declared war against the United States, and would take down our flagstaff on Thursday the 14th inst. that if I pleased to remain at Tripoli I should be treated with respect, but if I pleased I might go away. I sent my compliments to the Bashaw and informed him that it was my positive instructions not to remain an instant after a declaration of war took place, and that I should charter a vessel to-morrow if possible.

“ Thursday 14th, at 1 P. M. Hadgi Mahamude la Sore came to inform me that the Chavux were coming to take our flagstaff down. I waited until the Seraskier arrived, and then sent said la Sore to offer him 10,000 dollars in addition to what I had already offered, which was rejected by the Bashaw, and orders given to cut away the flagstaff.

“ At a quarter past 2 they effected the grand achievement, and our flagstaff was chopped down six feet from the ground, and left reclining on the terrace. Thus ends the first act of this tragedy. I hope the catastrophe may be happy.”

Extract of a Letter from William Eaton Esq. Consul of the United States at Tunis, to the Secretary of State, dated

TUNIS, DECEMBER 8, 1800.

“ ON the 25th ult. after having despatched duplicates of my letter from the 1st to the 16th, it was intimated to me that there was an American ship in the road of Porto Farino. Instantly I sent off an express to inquire for

facts. On the 27th, I received a note from captain Coffin of the Anna Maria, informing me that he had been ten days in the road, without being able to communicate with the shore, by reason of the weather, which was extremely bad. On the 28th, I asked a boat of the Bey, to board her, which he said should be ready on the 30th. Accordingly on the 30th I embarked at Tunis, in an open boat, and arrived on board, ten leagues, at eight in the evening of the same day. On the morning following the 1st December, I had the honour of receiving your letter of the 30th August, covering an invoice and bills of the ship's lading. Yesterday I returned to Tunis. Such part of the cargo as was between decks was chiefly discharged before I left the ship. The *quality* of the articles are acknowledged to be good, but it is objected that the *plank* and the *oars* are *too short*, and the government affect to be dissatisfied, that the keels, guns, and powder, are not come forward. I believe the fact to be ; the government is dissatisfied that any thing is come forward. If this opinion requires evidence, I consider it sufficient to state that the United States are the only nation which have at this moment a rich unguarded commerce in the Mediterranean, and that the Barbary regencies are *Pirates*. I take to myself the merit of having once more at least suspended an expedition which was prepared for us.—But we are yet deficient, and I am not without apprehension that this deficiency will be resorted (to) as a pretext for surprising our merchantmen ; in which case they might do us incalculable mischief. These are considerations, which, it is supposed, should compel exertions to fulfil our obligations with this regency.

“ The immense concessions he has received the summer past from Spain, Denmark, Sicily, Sweden, have so diminished the condition of our peace in his eye, that he says, *It is a trifle for so great a commercial nation, in consideration for the advantages of a free trade in this sea.*

To all whom it doth or may concern.

KNOW YE, by these presents, that I James Leander Cathcart, agent and consul for the United States of America, in and for the city and regency of Tripoli in Barbary, finding just cause to complain of Jusef Bashaw supreme commandant of said city and regency of Tripoli, and his ministers, towards the government and citizens of the United States of America, and conceiving it my duty to protest against said conduct: Now KNOW YE, that I do hereby protest against the said Jusef Bashaw supreme commandant of said city and regency, and against his ministers and counsellors, in behalf of the government of the United States of America, myself and fellow citizens, for the following reasons, viz.

First. BE IT KNOWN, that on the 17th of August 1799, said Jusef Bashaw, supreme commandant of the regency of Tripoli, at the instigation of Morad Raiz, admiral of the cruisers of this regency, refused to receive the printed passports issued by the consul of the United States of America in this regency in obedience to his orders from government, thereby claiming a superiority or preference to the regencies of Algiers and Tunis, he being duly informed that the said passports were accepted in the same form by the chiefs of said regencies, and in order as is my firm belief to have a pretext to send the merchant vessels belonging to the citizens of the United States into this port for examination, said admiral Morad having publicly declared that he would go to sea with the vessels under his command, without any passport from this office, if they were not modified to his liking, and worded similar to the passports of the British; and the said Jusef Bashaw on application being made by the said consul of the United States, refusing to exert his authority, is a clear and sufficient evidence, that he was accessory to the insolent demand of said Morad, or more properly speaking that said Morad acted, if not by his orders, at least with his tacit consent, thereby forcing the said consul of the

United States to deviate from his instructions and to submit from imperious necessity to a humiliation incompatible with the honour and dignity of the nation he has the honour to represent.

Second. BE IT KNOWN, that in the month of October 1799, James Leander Cathcart, consul for the United States of America in this regency, having received several bales of cloth to dispose of, that said Jusef Bashaw sent the broker Leon Farfara to the consular house, requesting said consul to give him the preference in the sale of said cloth, promising to pay for the same like any other individual, and as cloths were sold of the same quality. I, knowing how he had served the late Venetian and Swedish consuls on a similar occasion, sent said Leon Farfara to inform him that the cloth was not mine, and that I expected to be paid immediately, in order to be enabled to make a remittance to my correspondent, which he the said Bashaw promised to do; I therefore confiding in his promise, which I was taught to believe was sacred to all true Mussulmen, and more especially to a prince of the august family of Caramanly, did deliver unto him sundry pieces of cloth to the value of five thousand seven hundred and eighty seven yuslicks current coin of this regency, which at that time was worth Spanish dollars, two thousand three hundred and fourteen and eighty cents, two yuslicks and one half being then equal to one dollar silver, but at present the coin of this regency having depreciated, owing to the great quantity of alloy mixed in the coinage, a dollar passes for three yuslicks which makes a difference of one fifth part or 20 per ct. that I have repeatedly demanded the above sum and have always been put off from time to time with promises until the 22nd day of September 1800, when some oil belonging to said Bashaw being selling at publick vendue I sent my drogoman to purchase a barrel for the use of my house, value about eighteen dollars, which the hasnadar refused to give unto him unless I sent the money to pay for it first. I sent the drogoman immediately to the Bashaw to know the reason, who repeated the same words, saying the oil was not his, but belonged to

the crew of the cruisers ; that if I wanted oil I must first send the cash. I immediately sent for Farfara who had acted as broker in the sale of the cloth, and desired him to demand a positive answer from the Bashaw, whether he intended to pay me or not ; that I was resolved to be kept no longer in suspense, and offered to take the money at the present value, which is only 1929 dollars, in full of all demands ; the Bashaw sent the same answer which he had sent above fifty times before, that he would pay me, but at present it was not convenient, and desired Leon Farfara to inform me that if I had a mind I might take one of the Swedish prizes for my money, which I declined. Knowing that he, having a quantity of prizes and other goods on hand for exportation, that he would probably force me to take a cargo of said goods to Leghorn or elsewhere, thereby exposing the United States to become responsible for said goods or their value, should any accident happen to said vessel, in the same manner as the claim originated upon Sweden, which was the first and principal cause of the present war, I therefore have deemed it more expedient to entirely lose the aforementioned sum than to run a risk which might involve my country in a war.

And as it appears from the above detail that the said Bashaw never intends to pay me the above sum in cash according to agreement, notwithstanding I have his receipt or promissory note under the great seal of this regency, and I having waited above one year for the payment of the said sum without effect, I therefore debit the United States the said sum in my account current, leaving the government of the said United States to make the said claim a national claim ; no individual being bound to be responsible for the arbitrary acts of the chiefs of the Barbary States ; at the same time making myself responsible to the United States for said sum or any part thereof which may be recovered from said Jusef Bashaw hereafter.

Third. BE IT KNOWN, That in the months of May, September, and October, 1800, the said Jusef Bashaw supreme commandant of the said regency of Tripoli, having made certain demands upon the United States in direct violation

of the 10th article of the treaty existing between the United States of America and the regency of Tripoli, which the consul of the United States resident here found incompatible with the honour and interest of the nation he represents to comply with, that said Jusef Bashaw, in direct violation of the 12th article of the said existing treaty, did publickly declare that he would only wait until he receives answers from the President of the United States of America, which, if not satisfactory, that he would then declare war against said United States, as is more fully explained in my despatches to government, copies of which were forwarded to our consuls at Algiers and Tunis. And whereas it is particularly specified in the 10th article of said treaty, that the money and presents demanded by the Bey or Bashaw of Tripoli is a full and satisfactory consideration on his part, and on the part of his subjects for said treaty of perpetual peace and friendship, and that no pretence of any periodical tribute or farther payment is ever to be made by either party, and said Bashaw of Tripoli having acknowledged the receipt of the money and presents stipulated by said treaty, I find myself justifiable both to God and my country in having refused to comply with the said Bashaw's unjust demands upon said United States of America.

AND WHEREAS, it is stipulated in the 12th article of the aforesaid treaty, that in case any dispute arises from a violation of any of the articles of said treaty, no appeal shall be made to arms, nor shall war be declared on any pretence whatever; but if the consul residing at the place where the dispute shall happen, shall not be able to settle the same, an amicable reference shall be made to the mutual friend of both parties, the Dey of Algiers; the parties thereby engaging to abide by his decision; and he by virtue of his signature to the said treaty, having engaged for himself and his successors to declare the justice of the case according to the true interpretation of the said treaty, and use all the means in his power to enforce the observance of the same:—

NOW KNOW ALL MEN by these presents, that I James

Leander Catheart, consul for the United States of America, in said regency of Tripoli, do protest and declare, that the demands, made by the Bashaw of Tripoli upon the United States of America, are of such a nature, that I cannot settle the dispute arising therefrom ; and that I conceive that I should not only be deviating from my official duty, but likewise acting as an accomplice and in conjunction with the said Bashaw of Tripoli, to treat our good friends the Dey and Divan of Algiers with indignity and disrespect, was I to refrain from making the aforesaid amicable reference. I therefore in virtue of these presents, do make the aforesaid amicable reference, transmitting the whole to the consul general of the United States of America at Algiers, who is possessed of every information relative to the state of our affairs in this regency, having received duplicates of my despatches for the government of the United States ; at the same time leaving it at the discretion of the consul general of the United States at Algiers for the time being, to take such measures as he in his judgment may think most likely to promote the interests of the United States, and to maintain the peace of our country with this regency upon honourable and equitable terms.

Fourth. BE IT KNOWN, That on the 25th of September, 1800, Raiz Amor Shelli, commander of a Tripoline cruiser of 18 guns, captured the American brig Catharine, James Carpenter master, of and from New-York and bound to Leghorn, valued at 50,000 dollars or thereabouts ; that said vessel was kept in possession of the subjects of Tripoli, until the 15th of October in the evening, and was then delivered up to the consul of the United States, in consequence of the Bashaw of Tripoli having wrote a letter to the President of the United States, the purport of which, being already known, needs no repetition ; and that said vessel was exposed to much loss and peril, as appears by the master of said brig his protest, already forwarded to our consul general at Algiers ; and that said brig was plundered of effects, valued by said master, James Carpenter, at 397 hard dollars, whereof was recovered to the value of 180 dollars, the value of 217 dollars being irre-

coverably lost; notwithstanding the Bashaw had given positive orders to Hamet Raiz, or minister of marine, to cause every article that could be found to be restored to their lawful owner; yet said Raiz of the marine did not comply with the Bashaw's orders; (and he being the Bashaw's brother-in-law, it was out of my power to compel him) but on the contrary prevaricated from day to day, from the 16th to the 21st of October with an intent no doubt to share the spoils with the aforesaid Raiz Amor Shelli, and on the night of the 21st inst. sent Ibram Farfara to inform me, that if the brig did not sail by daylight in the morning, that the port would be embargoed, and gave me to understand that if I did not promise to pay him anchorage for said brig, that she would be detained until the embargo should be taken off. This demand I absolutely refused to comply with. On the 22nd at daylight I ordered the brig to get under way, and could not get the pilot to go on board until said Ibram Farfara paid the Raiz of marine five dollars and seventy-five cents anchorage, which notwithstanding it being an unjust demand I complied with, sooner than have the brig detained one day longer.

I therefore for foresaid reasons, and for each of the aforementioned arbitrary acts, do protest against the aforesaid Jusef Bashaw, supreme commandant of the regency of Tripoli in Barbary, and against his ministers and counsellors; but more especially against said Morad Raiz, admiral of the cruisers of this regency, for being the cause of my altering the national passports of the United States of America, and against said Hamet Raiz, or minister of marine, for the reasons before mentioned, as well as for falsely, insidiously, and slanderously asserting in my presence, and in the presence of captain Carpenter, that the consul general of the United States, Richard O'Brien and the broker or banker of said United States, Micaiah Cohen Bacri, had informed him, when he was last at Algiers, that the government of the United States had alone paid to the house of Bacri & Co. one hundred thousand dollars for their influence, thereby irritating the said Jusef Ba-

shaw against the government and citizens of the United States of America, as the said Jusef Bashaw seemingly gave credit to the falsehood of said Hamet Raiz, and emphatically said that the government of the United States had treated an Algerine Jew better, and with more liberality, than they had the said Bashaw of Tripoli, notwithstanding I gave the direct lie without ceremony or hesitation to said Hamet, and told the Bashaw that I wondered how he could give credit to so barefaced a falsehood, for even had the United States given the abovementioned sum, the party concerned would be the last people in the world to divulge the same, it not comporting with their honour or interest, especially to Hamet Raiz, who was not only an enemy to the United States, but likewise to his excellency the Bashaw of Tripoli, he having by his false insinuations endeavoured to persuade the Bashaw to annul the treaty of peace and amity at present subsisting between the said United States and this regency, to the prejudice of his character, honour, and dignity, whose word and signature I had always supposed to have been inviolably sacred; and that said Jusef Bashaw, in answer to the above, said, 'you say that Hamet Raiz *lies*, and I say he tells truth;' thereby discrediting all I had said, and giving full credit to the imposition of said Hamet Raiz, or minister of marine.

NOW KNOW ALL MEN, That for the reasons afore assigned, I James Leander Catheart, agent and consul for the United States of America, in the regency of Tripoli, having shewn sufficient cause to enter this protest against the said Jusef Bashaw, supreme commandant of the regency of Tripoli, his aforementioned ministers and counsellors, I do by these presents most solemnly protest against the conduct of said Jusef Bashaw, his ministers and counsellors, as being unjust and in direct violation of the 10th and 12th articles of the existing treaty between the United States and the said regency of Tripoli; and I James Leander Catheart do further declare, that the dispute arising from the violation of said treaty, is of such a nature, that I cannot adjust the same before I receive express instructions from the President of the United States of America;

or until our good friends the Dey and Divan of Algiers shall decide upon the justice of the cause, according to the true interpretation of the existing treaty between the United States of America and this regency ; and that I do hereby make an amicable reference to our good friends the Dey and Divan of the regency of Algiers, promising in the name of the United States of America to abide by their decision agreeable to the true meaning of the stipulation contained in the 12th article of the treaty of peace and amity concluded between the United States of America and the regency of Tripoli by the intervention of the late Hassan Bashaw, Dey of Algiers, and under the immediate guarantee of said regency, the said treaty having been duly ratified by the reigning Dey of Algiers, Mustapha Bashaw, whom God preserve.

Now, I James Leander Cathcart, agent and consul of the United States of America, conceiving it my duty so to do, do now transmit this said protest to the Chancery of the United States at Tunis, in order that it may be there duly registered, and from thence forwarded to the consul general of the United States of America at Algiers, in order to prevent, as much as depends upon me, any appeal being made to arms, leaving the conducting of the whole affair entirely at the discretion of the consul general of the United States of America for the time being, as before mentioned, not doubting but he will take such measures as he in his judgment may think most likely to promote the interests of the United States of America, and maintain the peace of our country with this regency upon honourable and equitable terms.

In testimony of the above I have hereunto subscribed [L.S.] my name and affixed the seal of my office at the Chancery of the United States of America, in the city of Tripoli in Barbary, this 29th day of October in the year of our Lord one thousand eight hundred ; and in the 25th year of the independence of the United States of America.

(Signed)

JAMES L. CATHCART.

TRANSLATION.

MR. CATHCART having desired a process verbal of what passed at the audience, which, at his request, in conjunction with that of the consul of his Danish Majesty and of the *charge des affaires* of his Catholic Majesty, was given on the 11th of this month; as well as of the reasons which occasioned their request:

The undersigned Nicholai Christian Nissen consul of his Danish Majesty, and Don Pedro Ortiz de Zugasti *charge des affaires* of his Catholic Majesty, attest and declare as follows:

Since a long time there existed the greatest irregularity in the distribution of letters which arrived here for the consuls. This irregularity was considerably increased, when, by reason of the plague which appeared at Tunis and the precautions relative to health taken by his excellency the Bashaw, in consequence, the couriers were subjected to quarantine and the letters fumigated before they were distributed.—But the abuses had now reached their last extreme.—On the 27th October arrived a small vessel from the coast of Tunis: the vessel and passengers were both subjected to quarantine. Only one letter was delivered on the day of her arrival, and on our earnestly endeavouring to learn whether there were any for us, we received negative answers. Nevertheless on the 9th of this month, a packet was given to the *charge des affaires* of his Catholic Majesty and another to the consul of the United States of America; the latter, having had the politeness to communicate some news from it to us, complained of the considerable delay he had experienced of a letter he had just received from Algiers, dated on the 25th July, contained in another from Tunis of the 1st of October. This letter was of the greatest consequence to him in his consular concerns, and he requested us to attest the day of its arrival, which we did, as we now do by these presents.

The next day (Nov. 10,) arrived a courier from Tunis. He arrived in the morning, but all the day passed without receiving the letters. On the 11th in the morning they were landed open and thrown together promiscuously, and instead of fumigating them they were burnt in such a manner as to consume a part and render the rest illegible, and thus they were sent to us by handfuls. Seeing these unworthy proceedings, finding many of our letters lost, and that our residence here at Tripoli would be absolutely useless to our governments, if their orders did not reach us, we thought it our duty to make a complaint supported by all, and in the strongest manner, to his excellency the Bashaw. An audience being granted, we shewed him our letters in pieces and burnt, among which there was one for the Bashaw himself. His excellency immediately promised to cause this abuse to be redressed. He gave his orders in consequence, and declared himself ready to punish the guilty.

After having thus terminated the principal object of the audience requested, each of us communicated to his excellency the news we had received, and the consul of the United States of America having equally communicated to the Bashaw, that the ministers of his government at Paris had just concluded a treaty with the French Republick, which was to terminate their differences, his excellency complimented him on the occasion, but nevertheless added, that an arrangement ought also to be made with him, and to take care that he did not give orders to his cruisers to bring in the merchant vessels of the United States; and his excellency the Bashaw further explained himself in such manner as to cause the fear of a rupture not far off. The consul of the United States of America, Mr. Cathcart, answered, that he was sure that would never take place; that the word of his excellency was sacred; that he, the consul, could do nothing without the orders of his government, and that his excellency had promised to wait, not only six months computing from the 2d of October last, but until the arrival of an answer from the American govern-

ment; but the Bashaw did not seem to accede to it; on the contrary he refused, and said that he had the greatest reason to complain of the Americans; that lately he had received a letter from one of his corsairs which acquainted him, that being on the coast of Naples he had met an American polacre richly laden; that he visited and treated it in a friendly manner; that nevertheless the polacre, after entering the port, gave intelligence that the corsair was there, in order that a superior force might be sent out to capture him; but the corsair being advised of it by a Ragusan vessel which had just come out of the same port, he had time to save himself.

Mr. Cathcart answered his excellency that it was evidently a false report, dictated by malice; that among the whole marine of the United States there was no polacre; and that he prayed his excellency not to give credit to such lies, which his Raiz might report; nevertheless the consul of the United States had no reason to be tranquillized: it appeared on the contrary, that his excellency the Bashaw of Tripoli intended shortly to give orders for bringing in the merchant vessels of the United States, and thus to commence hostilities.

The audience being finished, we retired, and Mr. Cathcart consul of the United States of America, having communicated his wish to us, to have a *proces verbal* of all that passed at the audience, as well as of what gave occasion for asking it, we have drawn up these presents; and in faith thereof we have signed them, and thereto affixed the royal seals of our consulates.

Done at Tripoli in Barbary this 15th Nov. 1801.

(Signed)

N. C. NISEN, [L.s.]

Consul of his Danish Majesty, at
Tripoli in Barbary.

In absence of the Consul

General [L.s.]

PEDRO ORTIZ DE ZUGASTI.

PAPERS

RELATIVE TO THE TRANSACTIONS OF THE UNITED STATES
WITH THE BARBARY POWERS, ACCOMPANYING A MES-
SAGE FROM THE PRESIDENT OF THE UNITED STATES.
DECEMBER 22, 1801.

GENTLEMEN OF THE SENATE,
AND OF THE HOUSE OF REPRESENTATIVES,

I NOW enclose sundry documents supplementary to those communicated to you with my message at the commencement of the session. Two others of considerable importance, the one relating to our transactions with the Barbary powers, the other presenting a view of the offices of the government, shall be communicated as soon as they can be completed.

TH: JEFFERSON.

TRANSLATION.

*The Bashaw of Tunis, to Mr. John Adams, President of
the United States of America.*

MR. PRESIDENT,

ALTHOUGH I have charged the worthy and zealous consul of your nation, the Sieur William Eaton, to acquaint you with a proposition, which I have found myself under the absolute necessity of making to him, I have nevertheless determined to apply directly to you about it by these presents, in order that I might at the same time procure for myself the pleasure of reiterating to you the assurance of the continuance of my esteem and my friendship.

After the request I formerly made for forty cannon of different calibers, the present circumstances in which I find myself, require that I should procure twenty-four pounders, of which I have the most pressing need. I should therefore wish that you would cause them to be sent to me

as soon as possible, in case you should not, on the receipt of the present, have sent the first to me, if finally they should have been already sent away, I expect, Mr. President, as a real proof of your friendship, for which I shall be infinitely obliged to you, that you will furnish and convey to me, forty other pieces, all of the caliber above-mentioned.

This request will not appear in the least extraordinary to you, when you consider the very moderate and friendly manner, in which, differently from others, I have conducted myself towards the United States and their flag, notwithstanding that the doceurs and presents, stipulated four years ago for my making peace with the United States, have not all arrived, and that not the smallest part of those which were intended for me individually have been sent. I make no doubt on this subject, that your consul will have forwarded the letter I addressed to you about two years past relative to it, and that you will thereby have seen, that I consented to wait the space of a year, in consequence of the representation which the same consul made to me, that several of the articles composing the present, due to me, and which I constantly expect, could neither be had or manufactured in the United States, and that they were to be procured from foreign countries.

Wishing on my part to return you a reciprocity (whenever an occasion of urgency in your nation happens) in my country, and hoping to see that good harmony which happily subsists between us continued and remain undisturbed, I pray Almighty God to preserve you, and I assure you, Mr. President, of my esteem and my most distinguished consideration.

*[Signature and seal of Hamouda Pacha
Bey of Tunis.]*

At Bardo of Tunis, the 2nd of the moon Haggia, of the year 'Egira 1215, and the 15th April, 1801.

Thomas Jefferson, President of the United States of America, to Hamouda Pacha Bey of Tunis.

GREAT AND GOOD FRIEND,

THE letter which you addressed to the President of the United States of America, on the 15th of April, has been received, and has conveyed us the assurances always welcome, that your friendly dispositions towards these States, still continue firm and unimpaired. We feel deep regret that the regalia and other tokens of our esteem for you, had not at that date, reached their destination. These delays proceed from the distance of our situation, and from the circumstance that some of the articles acceptable to you, are not fabricated here, but are to be sought for in foreign countries, where also they require time to be prepared. We trust they will all have been received before this reaches you. We are a nation not practising the difficult arts, but employed in agriculture, and transportation of its produce for commercial exchange with others. Peace therefore with all nations is essentially our pursuit, so long as it can be obtained on just and equal grounds. Of this desire on our part we have given to the states bordering on the Mediterranean the same manifestations of which Europe had set the example. Like them, we consented to give a price for friendship, which would have been properly requited by our own. So long as we have been met with moderation and good faith, we have preferred these means of peace, rather than to seek it through our own strength. At length however, the inadmissible demands of the Bashaw of Tripoli, and our determination to owe to our own energies, and not to dishonourable condescensions, the protection of our right to navigate the ocean freely, have induced us to send a squadron into the Mediterranean sea, for the protection of our commerce against the Bashaw of Tripoli. We gave, illustrious friend, in strict charge to our officer, chief in command, to respect, and treat with particular friendship, your flags, your vessels, and your subjects, and to take an early occasion, after his arrival in

those seas, to testify his respect to you, to assure you of our adherence to the peace and friendship established with you, and of our orders to him to cultivate them with assiduity: and we trusted you would yield him that hospitable reception, and those accommodations in the ports of your dominions, which his necessities require. We did this with the greater confidence, as knowing the liberality of your mind, and being ourselves in the habit of rendering similar good offices to all nations in friendship with us.

Trusting good friend, that our consul will have received and delivered those evidences of our good will, which circumstances permit us to offer for your acceptance, we ask the continuance of your friendship in return for that which we sincerely bear to you; and pray to God that he may long preserve your life, and have you under the safeguard of his holy keeping.

Done in the United States of America, this 9th day of September, one thousand eight hundred and one.

TH: JEFFERSON.

TUNIS, JUNE 28, 1801.

SIR,

ON the night of the 18th inst. a fire broke out in the Bey's palace, which in its progress consumed fifty thousand stands of arms. The second day following I received a message to wait on the Bey, but was at that moment confined to my bed with a bilious fever, so that it was not till this morning I have been able to go in my carriage to the palace. The Bey's object in calling on me was to demand of the United States, *ten thousand stands of arms*. I refused to state his demand. "I have proportioned my loss" said he "among my friends, and this falls to you to furnish. Tell your government to send them without delay." It is impossible, said I, to state this claim to my government. We have no magazines of small arms; the organization of our national strength is different from that of any other nation on earth. Each citizen carries

his own arms always ready for battle. When threatened with an invasion, or actually invaded, detachments from the whole national body are sent by rotation to serve in the field; so that we have no need of standing armies, nor depositories of arms. It would be an affront to my government, and an imposition on the Bey to state to them this demand, or to flatter him with a prospect of receiving it. "Send for them to France or England," said the minister. You are in a much more eligible position to make this commission to Europe than we are, said I. "If the Bey had any intention of purchasing the arms from Europe," said the minister, "he could do it without your agency. He did not send for you, to ask your advice, but to order you to communicate his demands to your government." And I came here, said I, to assure you that I will make no such communication to my government. "The Bey will write himself," said he. If so it will become my duty to forward his letter, but at the same time it is equally obligatory on me, to let the Bey be beforehand apprized, that he never will receive a single musket from the United States. I should suppose a sense of decency, if not of gratitude would dissuade the Bey from this new extravagant claim. Has he not within eighteen months received two large ship cargoes in regalia; have we not now another ship laden for him on its passage; and has he not within sixty days, demanded cannon extraordinary of the United States; at this rate when are our payments to have an end. "Never," said the minister; "as to the ships you talk of, they are but the part payment of regalia you have long since owed us, as the condition of peace; the other claims we make are such as we receive from all friendly nations, once every two or three years; it is an established custom, and you like others, will be obliged to conform to it." When we shall have completed the payment of our peace stipulations you may never calculate on further donations. It is by treaty considered as the conditions of a perpetual peace, and any new claims on your part, will be at least an infraction of the treaty, and will be so considered by us. You

may therefore at once and for ever abandon the idea of future claims; for I again assure you, in the name of my government and country, that the discharge of our treaty obligations will put an end to our contributions here. "Your contributions as you think proper to call them," said the minister, "will never have an end. If this be the language you think of holding at this court, you may prepare yourself to leave the country and that very soon." If change of style, on my part, said I, be the condition of residence here, I will leave the Bey's kingdom to-morrow morning. "We will give you a month," said the minister. I ask but six hours I replied. "But you will write?" No. "But it is your duty to write." For deficiency in duty this is not the place where I am to be questioned. "I tell you again," continued he, "your peace depends on your compliance with this demand of my master." If so, said I, on me be the responsibility of breaking the peace. I wish you a good morning. Leaving the place I heard the minister say to one of his colleagues, "By God, that man is mad! but we shall bring him to terms—never fear." I don't know how this affair will end. I will not change my position.

I have the honour to be, Sir, with perfect respect, your most obedient servant,

WILLIAM EATON.

Honourable Secretary of the United States.

Extract of a Letter from the Secretary of the Navy to Commodore Dale, dated May 30, 1801.

"RECENT accounts received from the consul of the United States, employed near the regencies of Algiers, Tunis and Tripoli, give cause to fear, that they will attack our commerce, if unprotected, within the Mediterranean; but particularly, such apprehension is justified by absolute threats on the part of the Bey of Tripoli.

"Under such circumstances, it is thought probable, that a small squadron of well appointed frigates appearing be-

fore their ports, will have a tendency to prevent their breaking the peace which has been made, and which has subsisted for some years, between them and the United States. It is also thought, that such a squadron, commanded by some of our most gallant officers, known to be stationed in the Mediterranean, will give confidence to our merchants, and tend greatly to increase the commerce of the country within those seas.

“ I am therefore instructed by the President to direct, that you proceed with all possible expedition, with the squadron under your command, to the Mediterranean. It will be proper for you to stop at Gibraltar and obtain permission from the governor for depositing provisions there, for the use of your squadron. It is not presumed there will be any refusal; but should he deem it improper, you will then leave a letter with Mr. Gavino, the American consul, for the captain of the provision vessel that will be sent hereafter, directing him where to proceed.

“ On your arrival at Gibraltar, you will be able to ascertain whether all or any of the Barbary powers shall have declared war against the United States. In case all are tranquil, you will water your ships, proceed off the port of Algiers, and send to the consul, Mr. O'Brien, whom you will inform that you have arrived—that the views of your government are perfectly friendly—that you have a letter for him and the Dey—and that you request to see him; or that he send some person in whom he can confide, for the letters—or that he send a permission for one of your officers to go to the city. You will have on board certain goods, which you will deliver on his requisition. They are for the biennial presents to the regency. The *George Washington* is preparing to carry timber and other stores for at least one year's annuity, and you have on board the *President*, thirty thousand dollars, which it is hoped and expected Mr. O'Brien will be able to induce the regency to receive for another year. The balance may go some time hence. But if Mr. O'Brien cannot induce the Dey to receive money instead of stores, you will

retain the thirty thousand dollars, excepting four or five thousand dollars, which, on Mr. O'Brien's requisition, may (if he should think it useful to commence with) be given him on your arrival, and which amount may be replaced, if the Dey shall afterwards agree to receive the thirty thousand dollars in full for one year's annuity, out of the ten thousand dollars hereafter mentioned as being intended for the Bey of Tripoli, and the stores will be sent as soon as possible.

“ When your business is arranged at Algiers, to your satisfaction, you will proceed to Tunis, and there cause the letters you carry to be delivered to Mr. Eaton, the consul. A ship is preparing and will sail as soon as possible, with stores, agreeably to treaty with that regency.

“ From thence you will proceed to Tripoli; on your arrival there send for Mr. Cathcart, American consul for that port, to whom deliver his letters, and either by him or one of your officers (which ever may be deemed most proper,) send the President's letter to the Bey. You have on board ten thousand dollars, as a present from the President; the whole, or such part thereof as you may have on your arrival at Tripoli, and which Mr. Cathcart may conceive useful, will be given the Bey, provided he has conducted himself peaceably towards the United States.

“ You will be careful not to solicit the honour of a salute from any of those powers; if you do, they will exact a barrel of powder for every gun they fire.

“ You will enjoin upon your officers and men the propriety and utility of a proper conduct towards the subjects of all those powers. A good understanding with them being extremely desirable.

“ Should you find the conduct of the Bey of Tripoli such as you may confide in, you will then coast with your squadron the Egyptian and Syrian shores as far as Smyrna, and return by the mouth of the Adriatic—thence pay the Bey of Tripoli another visit; finding him tranquil, proceed to Tunis, and again shew your ships; and thence coast the Italian shore to Leghorn, where you may stay some days,

and then proceed along the Genoese to Toulon, which port it will be instructive to your young men to visit. From thence proceed again to Algiers. If there should be no hostile appearance on the part of those powers, and you should be well assured that no danger is to be apprehended from either of them, you may on the 15th October, commence your return homeward; but if there should be any cause for apprehension from either of those powers, you must place your ships in a situation to chastise them, in case of their declaring war or committing hostilities, and not commence your return to the United States, until the first day of December.

“ On your return you will go into Hampton Road, and repair yourself to this place as soon as you can. Order the Philadelphia to Philadelphia, if the season will permit; if not, let her go with the Essex to New York—the Enterprize send to Baltimore.

“ But should you find on your arrival at Gibraltar, that all the Barbary powers have declared war against the United States, you will then distribute your force in such a manner, as your judgment shall direct, so as best to protect our commerce and chastise their insolence—by sinking, burning, or destroying their ships and vessels wherever you shall find them. The better to enable you to form a just determination, you are herewith furnished with a correct state of the strength and situation of each of the Barbary powers. The principal strength you will see, is that of Algiers. The force of Tunis and Tripoli is contemptible, and might be crushed with any one of the frigates under your command.

“ Should Algiers alone have declared war against the United States, you will cruise off that port so as effectually to prevent any thing from going in or coming out, and you will sink, burn, or otherwise destroy their ships and vessels wherever you find them.

“ Should the Bey of Tripoli have declared war, (as he has threatened) against the United States, you will then proceed direct to that port, where you will lay your ship in such a position as effectually to prevent any of their

vessels from going in or out. The Essex and Enterprize by cruising well on towards Tunis, will have it in their power to intercept any vessels which they may have captured. By disguising your ships, it will be some weeks before they will know that the squadron is cruising in the Mediterranean, and give you a fair chance of punishing them.

“ If Tunis alone, or in concert with Tripoli, should have declared war against the United States, you will chastise them in like manner—by cruising with the squadron, from the small island of Maratimo near the island of Sicily, to cape Blanco on the Barbary shore, you may effectually prevent the corsairs of either from intercepting our commerce in the material part of the Mediterranean sea, and may intercept any prizes they may have made.

“ Any prisoners you may take, you will treat with humanity and attention, and land them on any part of the Barbary shore most convenient to you. This mode will be humane, and will shew that we have no sort of fear, what such men can do. It will also tend to bring those powers back to a sense of justice which they owe to us. But you will be careful to select from them, such christians as may be on board, whom you will treat kindly, and land when convenient, on some christian shore. Should you have occasion, you may accept their services.”

Extract of a Letter from Commodore Dale, commanding the United States squadron in the Mediterranean, to the Secretary of the Navy, dated Gibraltar Bay, July 2, 1801.

“ On my arrival here I found lying at anchor the high admiral of Tripoli, in a ship mounting 26 guns, nine and six pounders, 260 men, and a brig of 16 guns, 160 men. He has been out thirty-six days, says he is not at war with America, nor has he taken any thing. He came in here for water, and is under quarantine at present. From every information I can get here, Tripoli is at war with America.”

Extract—same to same, dated Tunis Bay, July 18, 1801.

“MR. O'BRIEN informed me ‘that the Dey of Algiers had been complaining very much of the United States in not making their annual payments good, and had gone so far as to say, that he would not put up with it much longer. He was now confident he said, that the Dey would not speak so big, and had no doubt that the arrival of the President at Algiers had much more weight with the Dey, than if the Washington had arrived with stores. He did not think it a proper time to mention to the Dey, about receiving thirty thousand dollars instead of stores.’ Mr. O'Brien took the cloth and linen on shore with him.

“I arrived in Tunis bay 17th inst. and sent a letter on shore to Mr. Eaton; the 18th he came on board. The Essex and the ship Grand Turk arrived the same day. From Mr. Eaton's information, this regency has been much in the same way as Algiers, and the appearance of our ships will have the same effect on the great and mighty Bey of Tunis.”

Extract—Commodore Dale, to the Secretary of the Navy, dated Malta Harbour, August 18, 1801.

“I ARRIVED off Tripoli the 24th ult. the 25th I received a letter from Mr. Nessen, consul for Denmark at Tripoli; he was requested by Mr. Cathcart to act for him in his absence, should there be a necessity for it. The letter was wrote at the request of the Bey, to know if my intentions in coming off Tripoli, were to make peace or war. I wrote him that my intentions in the first instance were friendly, but the act of his excellency in declaring war against the United States, had put that disposition out of my power, and that I was determined to take his vessels of every description, and his subjects wherever I could find them; but at the same time I should be glad to know his reasons for declaring war, and on what principles he expected to make peace. That on those points I wished information

as soon as possible, that I might inform the President of the United States, and ascertain his determination respecting the business. The next day the Bey sent off a Jew, to negotiate for a peace or truce. I informed him, that his excellency had not answered my letter; that I was not empowered to make a new treaty, but if the Bey would answer my letter, and send off one of his officers, and was serious in the business, I would then treat with him about a truce. The Jew went on shore. I have not heard from him since. The Bey wrote me previous to this, that he had good reasons for declaring war against the United States, but if I would come on shore, he was very certain we should be able to make a peace. He said he did not like the 1st and 12th articles in the old treaty, and did not wish to have any thing to do with the Dey of Algiers.

“I am happy to inform you that the Enterprize on the 1st inst. on her passage to this place, fell in with a polacre ship, mounting 14 guns and 80 men, a corsair belonging to Tripoli. The enclosed is a copy of Mr. Sterrett’s letter to me, which will give you an account of the action and the result of it.—Mr. Sterrett is a very good officer and deserves well of his country. After being 18 days off Tripoli, and seeing nothing in that time but two small vessels, Tunisians, one bound in and the other out, and receiving information that the Bey had boats stationed along the coast, both to the eastward and westward, on the 11th inst. I determined to run along the coast to the westward, as far as the island of Pidussa; from Pidussa to this place for water. I arrived here the 16th inst.; saw nothing on my passage.

Copy of a Letter from Lieutenant Andrew Sterrett, to Commodore Dale, dated on board the United States schooner Enterprize, at sea, August 6, 1801.

SIR,

I HAVE the honour to inform you, that on the 1st Aug. I fell in with a Tripolitan ship of war, called the Tripoli,

mounting 14 guns, commanded by Rais Mahomet Sous. An action immediately commenced within pistol shot, which continued three hours, incessant firing. She then struck her colours. The carnage on board was dreadful, she having 20 men killed and 30 wounded: among the latter was the captain and first lieutenant. Her mizen mast went over the side. Agreeable to your orders, I dismantled her of every thing but an old sail and spar.—With heartfelt pleasure I add, that the officers and men throughout the vessel, behaved in the most spirited and determined manner, obeying every command with promptitude and alertness. We had not a man wounded, and sustained no material damage in our hull or rigging.

I remain your most obedient servant,

ANDREW STERRETT.

Extract—Commodore Dale, to the Secretary of the Navy, dated Gibraltar Bay, October 4, 1801.

“HAVING completed my water on the 21st of August, I sailed again. On the 30th I brought to a Greek ship, from Constantinople and Smyrna, bound into Tripoli, loaded with beans and merchandize, and having on board one Tripolitan officer, twenty soldiers, fourteen merchants, five women, four of them black, and one white child, all Tripolitans: I took them all on board. I thought this a favourable opportunity to try to bring about, and settle an exchange of prisoners with the Bey, should his corsairs take any Americans, (I say God forbid.) I accordingly sent three of the Tripolitans on shore in a small boat, with a letter to Mr. Nissen the Danish consul, requesting him to make known the contents of it to the Bey. The next day, Mr. Nissen came off at the Bey's request, to know if I would make a truce. Mr. Nissen informed me, that he had told the Bey before he came off, that he could not say any thing to me on that subject, until he had answered my letters on that point. The Bey told him to go off and try, and if I would, he would then talk to me about the ex-

change of prisoners, and a peace. My mind was made up on that subject, knowing I had no orders to make a truce, little was said on that subject. Mr. Nissen told me that the Bey said, that he would not give one American for all the soldiers, and that only eight of the merchants were his subjects. He cared very little about any of them. At length the Bey agreed to give three Americans for twenty-one soldiers, and three for the eight merchants. Circumstanced as I was, I was under the necessity to act as I did, namely, to put them all on board the Greek ship again, and permit them to go into port. I wrote to Mr. Nissen to inform the Bey, that I agreed to the exchange of three Americans for the soldiers, but I did not consider the merchants as prisoners, nor could I fix on any thing respecting them, until I knew the determination of my government, and that the present transaction was not to be a precedent in any future negotiation. This transaction took place on the 3d of September, the ship's company then very sickly, ninety-four men on the doctor's list, and a number more complaining; not knowing to what extent the sickness might go, and not having more than one month's provision on board, at eight P. M. I was under the necessity of coming to a determination to give up the blockade of Tripoli, and proceed for Gibraltar.

“Mr. Gavino informed me about a month ago, that the Tripolitan admiral had laid up his two corsairs here, and took his passage with eight of his officers, on board of an English ship bound to Malta, leaving the captain of the brig and twenty men, to take care of the two vessels, and bring the ship home, if he had an opportunity; sent the remainder of his men over to Tetuan in boats.

“I think it necessary that two frigates should remain in those seas all the winter, under the present circumstances. The Philadelphia to rendezvous at Saragossa, the south east end of the island of Sicily. I shall give captain Barron orders to shew himself off Tripoli and Tunis every now and then, to let those fellows know and see, that we are on the watch for them. The Essex to rendezvous at

Gibraltar and Algeziras, as may be most convenient, to keep a good look out, and know what is going on in this quarter."

Extract of a Letter from David Humphreys Esq. to the Secretary of State, dated Madrid, October 20, 1801.

"IN a postscript to the duplicate of the same, dated the 16th inst. I informed you, I had received a letter that day from consul O'Brien at Algiers, in which he mentioned, that a revolt had existed for a few hours, while the Dey was at the mosque, but that it was soon quelled, and tranquillity restored.

"I am since in receipt of a second copy of that letter, which is continued to the 28th ult. wherein he advises me that the Dey had received letters from Tripoli, with the information of the blockade of that port by the American armament; stating that one Tripolitan corsair had been taken and released; that some vessels had been permitted to enter the port, and others refused; that the Bashaw had been in want of grain, and that he had offered to make a truce with the American commodore, but the latter had rejected the offer. The Bashaw therefore solicits his (the Dey's) succour, to relieve him from his embarrassments, and to clear from their detention, his two armed vessels which are blockaded at Gibraltar. Consul O'Brien had already declined complying with the Dey's desire to give passports for two hundred and fifty men, being part of the crews of those two armed vessels, to return to Tripoli.

"The same consul further reports, that the regencies of both Tripoli and Tunis solicit the Dey that he will not admit the custom of blockade, as being a novel system as applied to them alike prejudicial to all their common interests.

"This appears to me strongly to recommend the policy of persisting in the system on our part, and perhaps of augmenting our present naval force in the Mediterranean."

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, RELATIVE TO THE BARBARY POWERS, COMMUNICATED TO CONGRESS MARCH 2, 1802.

GENTLEMEN OF THE SENATE, AND
GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I TRANSMIT for the information of Congress, letters recently received from our consuls at Gibraltar and Algiers, presenting the latest view of the state of our affairs with the Barbary powers. The sums due to the government of Algiers are now fully paid up; and of the gratuity which had been promised to that of Tunis, and was in a course of preparation, a small portion only remains still to be furnished and delivered.

TH: JEFFERSON.

March 1st 1802.

[The letters, accompanying the above message, we believe, have never been printed, and must, therefore, remain among the secrets of the government.]



MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING SUNDRY DOCUMENTS RESPECTING THE FRENCH CORVETTE BERCEAU, IN PURSUANCE OF A RESOLUTION OF THE HOUSE OF THE SIXTH INST.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I now transmit the papers desired in your resolution of the 6th inst. Those respecting the Berceau will sufficiently explain themselves. The officer charged with her repairs states, in his letter received August 27th, 1801, that he had been led by circumstances, which he explains, to go considerably beyond his orders. In questions between nations who have no common umpire but reason,

something must often be yielded of mutual opinion, to enable them to meet in a common point.

The allowance which had been proposed to the officers of that vessel being represented as too small for their daily necessities, and still more so as the means of paying, before their departure, debts contracted with our citizens for subsistence, it was requested on their behalf that the daily pay of each might be the measure of their allowance. This being solicited, and reimbursement assumed by the agent of their nation, I deemed that the indulgence would have a propitious effect in the moment of returning friendship. The sum of eight hundred and seventy dollars and eighty-three cents was accordingly furnished them for the five months of past captivity, and a proportional allowance authorized until their embarkation.

April 15, 1802.

TH: JEFFERSON.

Extract of a Letter from Messrs. Stephen Higginson and Co. to the Secretary of the Navy, dated Nov. 19, 1800.

“CAPT. LITTLE wishes to have his prisoners landed, and his prize cleared of them, and Capt. Gates thinks he can make out to receive and guard them on Castle Island, having a guard of marines from the Boston and Herald; and this mode we shall probably adopt to-morrow, to serve till we receive your orders.”

From the same to the same—dated Dec. 5, 1800.

“THE prisoners from Le Berceau are now all landed on Castle Island, and have very comfortable accommodations. We have furnished them with clothing and firewood, and they are now so well fixed and guarded that it is perhaps best that they should remain there, and not be sent into the interior. We have paroled the officers of that ship, and they are in town, under obligation to remain here until the trial of their ship. Many complaints are made to us by these poor fellows. We afford them all the accommodation in our power, and go all the lengths our orders will admit.”

Extract of a Letter from Messrs. S. Higginson and Co. to the Secretary of the Navy, dated Dec. 12, 1800.

“OUR distriet court has condemned the prize ship *Le Berceau* and her app.; and the marshal has advertised her for sale by auction the first of next month. She yet remains below. We have not seen her; but Capt. Talbot thinks her a very good cruiser, well constructed, and with excellent cover. The French officers believe that when in trim she is equal to the *Boston* in sailing; and had she not been too deep, they say she would have escaeped. She is seven years old, was built at L'Orient in the best manner, and was esteemed the best corvette ever seen there. Her copper is worn out, her sails and rigging cut to pieeces, her masts all gone; and she appears a wreck; but her hull is very good; she has an abundance of maritime stores, a new suit of sails below; part of her rigging may again answer, perhaps some of the old sails, &c.”

The Secretary of the Navy to S. Higginson and Co. Dec. 19, 1800.

“I HAVE the honour to request that you will cause the French ship *Le Berceau* to be purchased for the United States, and afterwards have her placed where she will be secure, with just as many men on board as will be necessary to take care of her. Make no repairs.

“The British government generally buy the national ships eaptured by their own; but at very low prices. Be pleased so to conduct the purchase now directed, as to prevent its being known that it is on account of government. Then gentlemen who might feel delicacy in interfering with the views of government, will not be restrained from bidding, nor will others bid merely to swell the price for the benefit of the captors.

I have the honour, &c.”

*Extracts of a Letter from Messrs. S. Higginson and Co.
to the Secretary of the Navy, Dec. 22, 1800.*

“DR. WELSH, the physician to the marine hospital, has taken care of the French prisoners when sick, and now wishes to have his account settled, and inquires in what form he shall make it out. He proposes charging the same as he is allowed for the garrison, which will be reasonable enough, as the average number of the prisoners is equal, at least, to that of the garrison, and probably more of them have been under his care, from their confinement on board ships, and in the prison.”

“The marshal has concluded to defer the sale of the Boston's prize *Le Berceau* beyond the time set, the first of next month, to afford time to receive any orders you shall please to forward respecting her.”

*Extract—Messrs. S. Higginson and Co. to the Secretary
of the Navy, dated January 16, 1801.*

“YESTERDAY the prize ship *Le Berceau* was sold at auction; the ship and app. were sold first at eight thousand dollars, afterwards her guns and maritime stores, &c. in different lots. We employed a person to buy in the whole for government, in a manner that gave a fair chance to make the most of her. The amount we yet know not, as the marshal has not made out the account; probably about twelve thousand in all.”

*[COPY.] The Secretary of the Navy to Messrs. S. Higginson
and Co. Boston, dated February 17, 1801.*

SIR,

I HAVE the honour to request that you will deliver to the order of Mr. Letombe, all the French prisoners in your custody. You will take a receipt for them, which, with a list of their names, you will be pleased to enclose to me. If any have been released upon their parole of honour, I request that you will discharge them from the obligations of their parole. I have the honour, &c.

[COPY.] *The Secretary of the Navy to Mr. Letombe, dated
February 17, 1801.*

SIR,

I HAVE the honour to inform you that I have directed Messrs. S. Higginson and Co. Boston; Mr. William Peck, marshal of Rhode Island; Philip B. Bradley, Esq. marshal of Connecticut; Aquila Giles, Esq. marshal of New York; Montjoy Bailey, Esq. Fredericktown, Maryland; and William Crafts, Esq. Charleston, South Carolina; to deliver to your order the French prisoners in their custody.

There are 150 at Boston, 25 at Providence, R. I. 100 Connecticut, 8 blacks at New York, 90 do. Fredericktown, 8 Charleston, South Carolina.

I request that you will, as speedily as possible, make your arrangements to remove them from the United States.

I have the honour, &c.

Extract of a Letter from Mr. Letombe, Commercial Agent of France, to the Secretary of State, dated Philadelphia, 10th Ventose, 9th year of the French Republick, one and indivisible, (1st March, 1801, O. S.)

“CITIZEN CLEMENT (commander of the *Berceau*) and his companions in misfortune, wish to return to France by the cartel *Olive*, which you have furnished with a passport; but every thing has been taken from them; they are without money or clothes, and they are indebted in Boston for their daily subsistence, having received nothing for this purpose from the government of the United States. Under these circumstances, as it is impossible for the agents of the republick to procure for them money (those agents besides not being qualified to act as commissaries of prisoners) and no funds having been provided for this purpose from France; so that the money to be furnished them for their subsistence in quality of prisoners, can come from no quarter but from the government of the

United States, to which, in reason, that of France is hold-
 en for the reimbursement; the situation of these officers
 is truly deplorable.”

*Copy of a Letter from Levi Lincoln, Esq. acting as Secre-
 tary of State, dated Department of State, March 10th,
 1801, City of Washington, to Mr. Letombe, late Consul
 General of France.*

SIR,

I RECEIVED yours of the 1st inst. The enclosed letter
 from the navy department is designed, in some degree, to
 meet the evils complained of. You will be pleased to seal
 and forward it. The necessary passports shall be furnish-
 ed as soon as a vessel shall be engaged and freighted, and
 shall give the necessary information for that purpose to
 the office.

The port from which each vessel sails must be specified,
 the name of the master, her own name, and the port of her
 destination. I will request Mr. Thornton to supply you
 with such passports as you may apply for, who will be in
 Philadelphia at the time you may probably need them.
 Measures have been and are now taking to correct and
 remove every just cause of complaint to the French pri-
 soners. If a loan of moneys should become necessary, it
 may be the subject of further consideration.

Be assured, sir, the American government will never
 stop short of the last reasonable exertion to secure justice,
 and the benefits of humane arrangements to the unfortunate.

[COPY.] *The Secretary of the Navy, to Messrs. S. Higginson
 and Co. March 10, 1801.*

You have already been instructed to deliver to the order
 of Mr. Letombe all the French prisoners under your care.
 Before the delivery you will furnish each person with such
 cheap clothing as shall be sufficient, with what he has, to
 make him comfortable. Some of the officers who have
 been kept in the country on parole, represent that they

have received no allowance from the government of the United States for their subsistence, and that they are distressed to pay the debts incurred for their maintenance. You will be pleased, in every such case, to pay to each officer a sum of money equal to two dollars per week for the whole time he has lived at his own expense.

As soon as the prisoners are delivered, you will forward to the accountant of this department your whole account for expenses of French prisoners.

I have the honour, &c.

[COPY.] *The Secretary of the Navy, to Messrs. S. Higginson and Co. March 14, 1801.*

I REQUEST that you will, without delay, send to New York all the French prisoners under your care.

You will be pleased to supply them with provisions, and give a preference to the cheapest mode of conveyance—the expenses of which you will bring into your account against the United States, for maintenance, &c. of French prisoners. I have the honour, &c.

The Charge des Affaires of the French Republick to the Secretary of State, March 19, 1801.

THE undersigned, charge des affaires of the French Republick, has the honour to request the Secretary of State, that he will be pleased to make known to the President of the United States, the following facts and reflections, relating to the convention signed at Paris, the 9th Vendemaire, (30th Nov. last) by the ministers plenipotentiary of the two states. The object of this convention having been to do away a misunderstanding, unhappily too long continued, and equally opposed to the interests of both states, the First Consul of the Republick, who had nothing so much at heart, as to remove all remembrance of differences, which had occurred previous to his administration, did not wait till he could be informed that the federal

government would adhere to this treaty, before he performed those stipulations, which were to have effect, from the date of the signing of the treaty. It is in consequence of this eagerness, and of the entire confidence which he placed in the good faith of the government of the United States, that he has caused to be given to the council of prizes, directions respecting American cases depending before that council, conformable rather to the spirit than to the letter of this treaty; and has sent to all the establishments of the Republick beyond sea, instructions calculated not only to ensure full justice for the past, in a manner consonant to the obligations of the convention, but also to prevent in future, unauthorized measures towards the commerce and navigation of the United States, either on the part of the administrations, or of individuals.

The undersigned, in order to justify what he advances, has the honour to lay before the Secretary of State, 1st. A statement of decisions made upon American prizes, since the signing of the convention, from which it appears, that since that period one vessel only has been condemned, and that a vessel demonstrated by the papers on board, to belong to the enemy. 2d. Two extracts, at length, from the despatches addressed by the minister of the marine, and sent immediately upon the signing of the treaty by *avisos*, (advice-boats) to all the administrations of the French colonies, including the Isles of France and Reunion. No remarks will be added to these extracts. They prove by the strictness which prevails in them, that the government of the Republick, so far from encouraging the measures which have wound up the irritation of one of the two parties to the point to which it has actually been carried, these measures have been most frequently flagrant violations of the laws and instructions of the government—violations which the distance of place, and other circumstances, have not always permitted to be known, or to be repressed. The French government has not even waited till the signing should be completed, to take such of the measures mentioned above, as related to those affairs which were transacting near at home. As soon as there was

reason to hope for an accommodation, all proceedings in American matters were suspended, for the purpose of preventing final condemnations. And the correspondence of the American negotiators will prove that those of the Republick were eager to support the demands which the former made to this effect. The undersigned will add, that in order to obviate all delays or difficulties, which might have been produced by interests contrary to the spirit of the convention, the minister of foreign relations, in consequence of an authorization of the First Consul, enjoined it upon the council of prizes to adjourn for an indefinite period, all decisions upon the question of property, captured under the American flag.—The subjoined extracts of a letter from the minister will explain better than the undersigned can do it, the motives which have given rise to this measure, and how much its object is, to ensure the full execution of the treaty.

After having shewn what has been the conduct of the government of the Republick, it remains for the undersigned to request that the Secretary of State will be pleased to inform him of the intentions of the President of the United States, respecting the execution of that part of the convention which relates to the obligations of the said States, in order that he may acquaint his government with the same.

The undersigned does not suppose that the modifications which the convention has undergone in its ratification by the United States, can prevent the federal government from proceeding in the execution on its part, without waiting for the exchange of the respective ratifications. These modifications can, on no ground, form an obstacle, unless an apprehension is entertained that by them, the ratification of the First Consul, may be rendered uncertain. Although the undersigned is, in this respect, without instructions, he does not hesitate to say, that this apprehension appears unfounded.—The immediate approbation, and the anticipated execution which the first magistrate has given to this act, sufficiently prove the opinion which he enter-

tains of it, and there is no probability that this opinion will be changed. The undersigned at least, ventures to presume, that it will not be changed by alterations which have no other effect, (if the undersigned is rightly informed) than to render the principle of the treaty more and more sacred—a principle of which the object is, to remove pretensions of the respective parties, the discussion of which might have thrown serious difficulties in the way of the negotiation, and have rendered the issue of it questionable.

Agreeably to the preceding remarks, which will appear, without doubt, plausible to the Secretary of State, the undersigned presumes that the conditional ratification of the Senate, having left all the articles subsisting which stipulate reciprocal restitutions, the President will have taken the proper measures for preventing condemnations of French property, contrary to the 4th article, or at least, that where those condemnations shall have taken place, or shall continue in the federal courts, he will assure to the aggrieved parties, the indemnities contemplated by that article. The undersigned being authorized by his government, to take into his possession, the property of individuals not claimed by them, which may be restored in virtue of this stipulation, finds in this authorization, a new motive for desiring to know both the measures and the disposition of the federal government upon this point. He will add, that if he is induced, for the sake of those who are interested on the part of the French, to wish that the exchange of the ratifications may be anticipated in making these restitutions, this anticipation will be no more than to reciprocate what the French government has done, even when the ratification of the United States could not have been foreseen by it.

An article, to which it is natural to suppose that the French government attaches importance, is that which concerns the restitution of vessels of war. The undersigned will say nothing of the considerations which rendered it desirable that this restitution should take place. It is sufficient to call to mind, that many French vessels of

war, of different forces, have been taken by the vessels of the United States. The undersigned desires to know the intention of the government of the United States, as well respecting those of the vessels in question, which are on foreign stations, as those which are now in American ports ; in order that he may take his measures accordingly. As to the last, of which the undersigned will be in a situation to take immediate possession, he imagines that the government of the United States will consider themselves bound to restore them in the state they were in at the time of their capture. From the information collected by the undersigned, it appears that the frigate *L'Insurgente* is lost. There is reason to believe that it will appear just to the President, to replace this frigate, or to pay the value of it to the Republick. The spirit of the treaty at least, and the principles of law, seem at the first view, to justify this hope ; and the undersigned imagines that in this case, it would be easy to come to an understanding as to which of the modes would be entitled to the preference.

It only remains for the undersigned, before concluding this note, to speak of the reciprocal communications of the two people, and of the measures taken upon one side and the other, to remove the obstacles which had, for a moment, interrupted it. The first consul, immediately on the signing of the treaty, gave orders in all the ports of the Republick, to remove the prohibitions which the reprisals had occasioned against American vessels. The copies transmitted with this note, by the undersigned, sufficiently prove, that all prohibitions in our colonies, if any ever existed, have been, or ought to have been long since removed. If the government of the United States, as there is reason to believe, has, upon their part, put an end to theirs, it is to be hoped that the customary relations will shortly be re-established. Although the respective obligations, in this particular, ought not in strictness, to commence until after the exchange of the ratifications—there is, however, reason to believe, that the federal government, upon this point, as well as upon others, will have felt the same

anxious desire as the First Consul, to re-establish the ordinary connections of friendship and of commerce.

The undersigned hopes, that agreeably to these sentiments, the President of the United States, will have seen fit to take measures for putting an end to the unfriendly proceedings (to say no more,) which have taken place in the French colonies, with the sanction of the American government. A detail will not be attempted of the facts relating to the conduct of the naval forces of the United States, in regard to some of these colonies. Neither will the conduct be adverted to, which the accredited agents of the American government may have pursued, and the insinuations which they may have carried into some others of those colonies. All these acts ought to be forgotten; and there are grounds for presuming that the federal government has been forward to render, upon this point, the justice which that of the Republick required at an early period, by a letter from the minister of foreign relations, addressed to the American plenipotentiaries, at the moment of their departure.—The friendly dispositions, of which the undersigned, since his arrival, has received unequivocal proofs, assure him, if any thing remained to be done in this particular, conformable to the spirit of the treaty, and to the satisfactions which the respective dignity of the two states may require, that the President of the United States would hasten to take measures which should not leave the United States behind the French Republick, in striving for the perfect re-establishment of the good understanding between them.

The undersigned has the honour to pray the Secretary of State to be pleased to accept the assurances of his perfect consideration.

L. A. PICHON.

(No. I.)

DECISIONS made by the Council of Prizes, upon American cases, since the 9th Brumaire, 9th year.

VESSELS CAPTURED.

Names.	Captains.	Dates and brief statement of decisions.	
The Ariana,	John Le Bosquet,	9 Brumaire,	Simple release.
Apollo,	John Walker,	13 do.	do.
Eleonora,	Lancelot Davidson,	do. do.	do.
Molly,	Burrowdale,	17 do.	Confiscation.
Martin,	Phillip Parcells,	27 do.	Simple release.
Suffolk,	Isaac Hussey.	do. do.	Discharged from court upon a simple demand for damages and interest, put in by the captured.
Amsterdam,	Adam Scott,	29 do.	Simple release.
Tom,	John Balseley,	3 Frimaire,	Vessel and cargo to be restored in their present state.
Flora,	Le Pelly,	do. do.	Agreement (between the parties) confirmed.
Poolcary,	John Besson,	3 do.	Simple release.
Fame,	John Rusth,	23 do.	do.
Aime and Susanne,	Richard Pickelt,	27, do.	do.

(Signed) DURAND, Commissary of the government
with the Council of Prizes.

True Copy.

L. A. PICHON.

Extract of a Letter from the Minister of the Marine and of the Colonies, to the Agents of the French government in the Colonies. Paris, 21 Vendemaire, year 9. October 12, 1800.

A CONVENTION, citizens, which re-establishes between the French Republick and the United States of America, the ordinary relations of friendship and of commerce, has been signed at Paris, the 8th of this month, by the ministers plenipotentiary of the two powers. It immediately received the approbation of the First Consul, and it is about to be submitted for the ratification of the American government.

Two articles of this convention, the 4th and 17th, are already obligatory upon the two contracting nations, according to the precise letter of those articles ; and you will find annexed, copies of these two articles, to which I enjoin you to conform with the greatest punctuality.

The 4th article settles the conditions upon which restitutions are to be reciprocally made, of property captured and not finally condemned ; or which may be captured before the exchange of the ratifications. It is there expressly stipulated, that if property has been condemned contrary to the spirit of the convention, it shall be restored or paid for immediately ; and this article is executory from this moment.

Thus it would be upon the publick treasure, upon your fellow citizens themselves, that the fault which you may commit, will fall, if you permit an infraction of this convention to be made, or a judgment to be executed, which it would disallow. But I do not admit the possibility of such an impropriety in your conduct. You become this day responsible for the execution of the stipulations which have been concluded between France and the United States ; and this responsibility will not be illusory. The government will not, with impunity, suffer an indemnity to be borne by the Republick, to the payment of which, you shall either negligently or knowingly have contributed.

The 17th article establishes the rules which the two powers mutually acknowledge, in relation to the navigation of their respective vessels, when one shall be engaged in war, and the other remains neuter. This article comprehends, in a great measure, the provisions of the 4th, and fixes (to use the expression) the legislation common to both nations, so far as respects maritime prizes, and will consequently be the rule of your conduct, from this day forward.

The friendly relations which existed between the Republick and the United States being re-established, it is useless to seek for the causes which have produced a momentary misunderstanding, the consequences of which have been unhappy for both parties. The same sentiments, the

same motives, which for a long time united them, have again brought them together, and the inhabitants of the colonies will share the satisfaction which has been felt, in consequence of this reconciliation in the mother country. She is, in effect, about to open for these countries new outlets for the produce of the soil, and of industry, to bring back a competition equally favourable to the consumers, and to the progress of cultivation. She will, above all, efface all traces of those transactions, which either executed, or only projected in some colonies, have presented the criminal example of an entire forgetfulness of all patriotick principles, and of a disposition marked with ingratitude and infidelity towards the mother country. This convention also puts an end to all pretexts for those hostile measures which the administrations of many French possessions beyond sea have permitted against the American navigation. It goes, in short, to restore immediately the ancient connections which existed between the two governments, by means of commissaries of commercial relations. I recommend to you particularly to maintain a regular correspondence with the commissary general, appointed for the United States, as well upon those objects which relate to the convention of 8th Vendemaire, as upon the attempts which our enemies may make to engage this power with them, or to introduce themselves fraudulently through the assistance which they may derive from a similarity of language, manners, and mode of ship-building. The American government, informed by this agent, of the fears and suspicions which you may have reason to entertain, will apply itself, without doubt, to remove the causes which produced them; and you will easily perceive that the confidence which induces such measures is suggested by the reconciliation which has been effected between the two nations.

The loyalty of the French, the faith due to treaties, and the interest of the Republick, unite them to require it as a duty from all the agents of the government, to prevent, by their vigilance, their integrity, and their firmness, every thing by which the state of peace might be disturbed.

One of the surest means for attaining this end is to keep the strictest watch over vessels fitted out for cruising, and to require from those fitting them out a rigid observance of the laws and regulations.

There may be no occasion for me to awaken your attention upon this subject; but multiplied facts, and those too of a recent date, force me to believe that the privateers in our colonies are guilty, with impunity, of the most shameful robberies.

Instead of attacking the real enemies of France, against whom it would be glorious and useful to engage, the privateers employ the whole time of their cruise in interrupting the trade of allies and of neutrals. But I will not conceal from you, citizens, that the charges which I have mentioned against the privateers, are daily made by the agents of every foreign power, and are often made even by those of our citizens who have been compelled by circumstances to make use of a neutral flag, and pointed at the superiour administrations of the colonies.

They are accused of openly suffering these abuses; of permitting weak and feebly armed privateers to take the sea, better fitted for pillage than for combat; of not requiring from every person fitting out a privateer the bail which the law of 23d Thermidor, third year, with so much reason, requires as a security for indemnification to the navigator illegally captured; and of declaring to be valid prizes taken in contempt of the law of nations, of treaties, and of our own laws and regulations.

You will perceive what suspicions are excited against the publick functionaries, who are the objects of such charges as these. Your delicacy, then, as well as your duty, will incite you to prevent complaints of this nature; and if, as I cannot yet bring myself to believe, they are substantially founded, you are so much the more blameable, as you will not only have acted contrary to the laws and interests of your country, but will also have disregarded the instructions which you have received.

A great part of the complaints which I now transmit

to you, might have been prevented, if the administrators of the colonies had taken care that no privateers should be fitted out, but such as were in a condition to resist the enemy. The expense itself of such vessels would have been, in some measure, a security for the solvency of the owner, and of course for his conduct towards the vessels of allies and of neutrals; and besides, an honest and prudent merchant, of easy circumstances, would never expose himself to the dangers which he would incur by an illegal, or even by a hazardous capture.

I prescribe it to you, therefore, as a rule, not to suffer any vessel to be fitted out with arms, the capacity of which is not sufficient to take on board at least three months' provisions, and which does not carry at least 16 guns, if four pounders, or 12 six pounders.

(Signed)

A true extract,

FORFAIT.

L. A. PICHON.

Extract of a Letter from the Minister of Foreign Relations, to Citizen Pichon. Paris, 14 Nivose, year 9, Jan. 3, 1801.

I HAVE this very day written to the Council of Prizes, requesting them to adjourn to an indefinite period all decisions upon every kind of property seized under the flag of the United States.

If this adjournment excites any inquietude in the United States, you will say, that far from being intended to defer restitutions, it is, on the contrary, calculated to render them both more prompt and more certain.

As soon as the convention shall be ratified upon both sides, I will urge forward a decree of the consuls, which shall replevy for the Americans all the prizes, the restitution of which has been engaged for. This step, in the first place, is the only one consistent with principle. It is, moreover, the most advantageous for the Americans, since it does away the intervention of the Council of Prizes, which could proceed only partially in the restitutions; and

will save them from the unavoidable delays in its proceedings. (Signed) CH. MAU. TALLEYRAND.

True extract,

L. A. PICHON.

The Secretary of the Navy to S. Higginson and Co. March 20, 1801.

“THE French national ship the *Berceau*, captured by Capt. Little, is to be restored under the treaty.

“You will please to cause her to be delivered, with all her guns, ammunition, apparel, and every thing belonging to her, to the order of Mr. Pichon, commissary general and charge des affaires, from the French government to the government of the United States, whenever such orders shall appear.

“This business should be done as if no reluctance accompanied the restoration. We are now at peace with France, and we should act as if we returned to a state of amity with pleasure. Let there be no cause of complaint against the government or its agents.

“I have the honour, &c.”

[COPY.] *The Secretary of the Navy to Messrs. S. Higginson and Co. March 20, 1801.*

ENCLOSED is an account exhibited by the lieutenant of the *Berceau*, of the pay due to the officers of that vessel from their government, from the time of their capture to the 25th Ventose, amounting to four thousand seven hundred and fifty livres.

Instead of allowing them two dollars per week, as you have heretofore been requested, it is the President's desire that you pay to Lieut. Clements the amount of this account, taking his receipt for the same, which you will send to the accountant of the navy as your voucher.

I have the honour, &c.

Extract.—The Secretary of the Navy, to Samuel Brown, Esq. April 1, 1801.

“ I HAVE to request that you will be pleased to ascertain without delay the state the French national ship *Le Bereau* was in at the time of her capture, as to her armament, stores, and provisions, and to cause her to be put in the same condition before she is delivered up to the French government.”

[COPY.] *To Samuel Brown, Esq. Boston.—April 10, 1801.*

I HAVE received a letter of the 27th ultimo from Messrs. Higginson and Co. who informed me that they expected to transport all the white French prisoners to New York, and that about seventy blacks would remain in their custody, whom they intended to send to New York as soon as they could provide a vessel to take them round. If their intentions in either or both cases have been frustrated, I request that the prisoners may be retained at Boston, as the whites will be wanted for the *Bereau*, and the blacks will be sent direct from Boston by Mr. Pichon.

I have the honour, &c.

Washington City, 13 Germinal, 9th year, (3d April, 1801.)

SIR,

I HAVE learnt, since my arrival in the United States, that many of the French prisoners brought in by American vessels of war are still remaining here. No measures having been taken by my government for facing the wants occasioned by a circumstance entirely unforeseen, I find myself not in a situation to relieve the first necessities of these prisoners. All that I can do is, to procure them a passage back to France or to the colonies. The benevolent dispositions, sir, which you have been pleased to manifest to Citizen Letombe, by your letter of the 10th March, encourage me to request you to obtain from the President of the United States, the necessary authorizations, by which

all the individuals who have been brought here in consequence of the past misunderstanding, and who are delivered up to the agents of the Republick, may receive from the United States a daily supply, until the time of their departure, which I will take measures to effect without delay. The supplies, sir, shall be placed to the account of the French Republick, in whose name I will hasten to liquidate and acknowledge this debt; and also to discharge it by drafts on the national treasury, or by any other means in my power. These measures are not only consistent with the sentiments of conciliation which animate the two governments, but they are also conformable to the usage which has always prevailed, and which requires that prisoners or other persons detained by a power, should be supported by the power detaining them.

Be pleased, sir, to accept the assurance of my high consideration.

L. A. PICHON.

To the Secretary of State of the United States.

Georgetown, 1st Floreal, year 9, (April 21, 1801.)

SIR,

I HAVE had the honour to transmit you the copy of the instructions which the minister of the marine sent to the French colonies, to insure the execution of those articles of the treaty which were obligatory from the time of its being signed, and to prevent a repetition of what had passed in those colonies. I have much pleasure in transmitting to you official proofs of the prompt effect which these orders have produced in Guadaloupe. They are contained in the correspondence of the agents of the consuls of the Republick, which has reached me very shortly since, in consequence of the instruction given to all the agents of the Republick in the colonies, to keep me informed of the measures which they might take in obeying the injunctions of the First Consul. I confine myself to lay before you, among the numerous documents which they have sent me,—1st, Extract of the letter which they have written to me.—2d, A printed copy of the order which

they published as soon as they received those of the government.—3d, Extract of a letter written by these agents to Mr. Murray, commander of the United States frigate the *Constellation*, and containing a list of the American vessels which they had released.—4th, Lastly, Copy of an order which they have addressed to all their delegates, in the colonies of neutrals and allies, as well as to the auctioneers of the island, to obtain a knowledge of the condemnations made since the signing of the treaty, and to prepare the means for obtaining the restitutions directed by the fourth article. I will add, sir, that previously, viz. on 28 Nivose, the agents had enjoined upon their delegates not to deliver to the captors any funds arising from prizes standing in this predicament.

It is, sir, very agreeable to me to have to give you circumstantial and official details of these proceedings, which the President of the United States will have already been acquainted with, from the papers which have been published. I beg you, sir, to submit these documents to him, and to give him the assurance that I shall make it a duty to co-operate to the last moment in perfectly and fully executing the treaty, whenever the United States, or their citizens, shall have claims for restitution to carry forward. You will, without doubt, sir, think it advisable to inform the parties interested, of the dispositions of the agents at Guadeloupe, that they may take measures for claiming their property: And, in general, it may perhaps appear to you desirable to inform the publick of the eagerness to repair the wrongs occasioned by the misunderstanding which has been, and is shewn by the authorities in that colony, where, at first sight, the greatest and most multiplied causes of irritation appear to have been given.

Accept, sir, the assurance of my respect, and of my high consideration.

L. A. PICHON.

Extract—April 29, 1801. Porto Rico, 4th Floreal, 9th year of the French Republick, one and indivisible. The Delegate of the Agents of the Consuls of the French Republick to the Windward Islands, at the Island of Porto Rico, to Citizen Letombe, Charge des Affaires and Commissary General of Commercial Relations of the French Republick, at Philadelphia.

As soon as I was officially informed of the convention before mentioned, and of the circular of the agents of the consuls, I released all the vessels which were unsold, and I took measures for defending the interests of the Americans, who might have claims for restitution to establish.

I will, in like manner, make acquainted with your letter the agents of the consuls of the Republick at the Windward Islands. I have no doubt that the demand of Mr. Watmouth will be received with all the favour which it merits.

Health and consideration.

(Signed)

The Delegate BOURCIER.

Copy.

L. A. PICHON.

[COPY.] *The Secretary of the Navy to Samuel Brown, Esq. Boston—dated May 4, 1801.*

SIR,

DR. THOMAS WELSH is to be allowed for his attendance on the French prisoners, from June 15, 1799, to April 1, 1801, at the rate of twenty dollars per month, and his account of medicines, say eighty dollars forty-seven cents. Upon his calling upon you, you will be pleased to pay him at that rate.

I have the honour, &c.

[COPY.] *The Secretary of the Navy to Samuel Brown, Esq. Boston—May 18, 1801.*

SIR,

SIXTY-NINE French prisoners have been sent to New York, and are to be transported from thence to Boston,

there to be delivered to such officers as Mr. Pichon may appoint to receive them ; they will be directed to you, and I have to request your attention to their delivery.

With much respect, I have the honour, &c.

Extract of a Letter from Mr. Pichon to the Secretary of State, dated Philadelphia, June 18, 1801.

To return, sir, in effect, to the objects which are the subject of your reply, it only remains for me to pray you to offer to the President of the United States my thanks for the decisions, which you have communicated to me from him. As to the sum of 15,000 dollars, advanced by the United States, to succour the colonists who had fled from St. Domingo, I hesitate so little to acknowledge that the French Republick is accountable for it to these States, and am so sure that the principles which govern the First Consul of the Republick will lead him to admit this obligation, that I offer, sir, to include it in the liquidation, which I am desirous of making as soon as possible, of the claims which the federal government has upon that of the Republick, for the different advances which it has made for our prisoners, since the misunderstanding, and for every other purpose. I have had the honour, Sir, of praying you to be pleased to invite the respective departments, who have made these advances, to prepare their accounts. As soon as all expenses of this kind shall be closed, I shall think myself sufficiently authorized to settle and adjust them.

Extract——Samuel Brown to the Secretary of the Navy, Boston, June 24, 1801.

“ ON Monday the 22d, the corvette Le Berceau was delivered to the commissary of the French government, and the captain at the same time took charge of her. At the request of the commissary and captain, and from the necessity of the case, I have furnished some articles which may not have been on board at the time of the

capture, such as hammocks, blankets; and if then on board they were retained wholly or in part by the crew. The captain now wishes to be furnished with silver spoons, plated ware, china, &c. for his cabin. These I cannot provide without your special directions, as I do not suppose they were on board at the time of the capture. The commissary is willing on the part of his government, to engage to pay for all articles supplied, that probably were not then on board the corvette."

*Extract—Secretary of the Navy to S. Brown, Esq.
July 3, 1801.*

"THERE is no doubt that the *Berceau* has been sufficiently repaired and furnished; of course no more expense must be incurred on the part of the United States on her account. It will be proper that you write a letter to this department stating particularly the repairs and supplies she received at the publick expense, and the precise state and condition she was in, as to her equipments of every kind, on her delivery to the officers appointed on the part of the French Republick to receive her. The day of the delivery should also be stated."

[COPY.] *The Secretary of the Navy to L. A. Pichon, Esq.
dated July 8, 1801.*

SIR,

I HAVE caused to be examined the transactions relative to the payment of money by order of this department to the officers of the French corvette *Le Berceau*, and find that the sum of eight hundred and seventy dollars, and eighty-three cents, equal to 4,750 livres, was paid into the hands of lieutenant Clement by Messrs. S. Higginson and Co. navy agents, at Boston; copy of the pay roll and Mr. Clement's receipt is enclosed herewith. This appears to be the only money advanced by the United States to these officers on account of their pay. Other moneys have been however advanced to them on account of subsistence whilst

they were considered as prisoners; the precise amount of which cannot now be ascertained, as the accounts are in an unsettled state. I have the honour, &c.

STATEMENT of the payments made to the officers of the *Berceau* by Stephen Higginson and Co. as navy agents at Boston.

	Livres.
Lieutenant Clement, from the 13th Oct. 1800, to the 13th March, 1801, 5 months, at 200 livres per month,	1,000
Lewis Poutin, master, ditto,	1,000
John Troquereau, marine officer, ditto,	1,000
Joseph Robert, surgeon, ditto,	1,000
Stephen Borde, surgeon's mate, at 150 livres per month,	750
	<hr/>
	Livres, 4,750
	Dolls. 870, 83 cts.

NAVY DEPARTMENT, *Accountant's office, April 9, 1802.*

THO. TURNER, *Acct.*

Extracts of a Letter from Mr. Pichon to the Secretary of State, July 10, 1801.

2d. WHAT course the President of the United States will follow with regard to the restitution of property under the article of the treaty, it being known that France has actually restored many vessels; whether the government will be able to procure restitution, or whether it must be subject to legislative co-operation.

3d. Citizen Pichon, as he intimated it, is authorized to take possession of all the property which is to be restored to individuals who are not present, or have no attorneys. The present state of war, and the constant habit of the consular administration of France which has made consuls guardians of property belonging to absentees, has suggested the measure; and other obvious reasons make it expedient for the administration and individuals both.

4th. In all prizes made by American publick vessels, one half of the capture accruing to the United States, citizen Pichon wishes to know whether even that half of the property is only to be restored by legislative concurrence, or whether the executive can give it up. It would be peculiarly gratifying in the case of the *Vengeance*, where individuals are yet present, and are soon embarking for France, at which place, from their military situation, it will prove extremely difficult for them to obtain their *quota* of the restored property.

6th. No answer has been yet made on the case of the *Insurgente*. Inquiries must have been made at the navy department to ascertain some facts which may be elucidated by the discussion of that case.

Extract of a Letter from Samuel Brown, Navy Agent at Boston, to the Secretary of the Navy, dated the 13th July, 1801.

“ THE fitting out of the corvette *Le Berceau* has been attended with too much delay. She ought to have been at sea before this time; but it has not been in my power to hasten her departure. I have repeatedly urged the necessity, that the expense of subsisting the crew might be extinguished, but my endeavours have not had much effect. The precise attachment of the officers to their own manner of conducting the arrangements and equipments of the ship, has been the cause of much delay. The want of inferior officers, which I understand still exists, has been another. In instances where the necessity of receiving certain articles on board has been urged, the answer has been, that there was no carpenter, sail-maker, gunner, or other petty officers on board to superintend those departments, and therefore the articles could not be received. A refusal to supply all the articles they have demanded perhaps may have been another cause for the delay. The sails of the ship are not yet bent, and some of the stores remain to be delivered. I hope, however, that a few days

will now bring this business to a close. The quantity and quality of many of the articles required at times were such, and the mode of indenting for them became so inconvenient and wasteful of time, that I was induced on the 30th of June to write to commissary Guirard on the subject. I enclose a copy of the letter."

[COPY.]

BOSTON, JUNE 30, 1801.

CITIZEN COMMISSARY,

As indents of supplies for several departments on board of the corvette *Le Berceau* are daily presented to me, I wish to call to your remembrance that my instructions from the Secretary of the Navy admit me only in directing the repairs and the equipment, to restore the corvette to the state she was in anterior to her coming into possession of the United States.—I cannot, therefore, you will see, be justified in furnishing any article whatever for her use, that was not on board at that period. If it should at any time happen, therefore, that any article required by the indents should not be immediately furnished, I must beg of you to attribute it to the necessity I feel in adhering to the instructions. In supplying the hammocks and blankets, I probably departed from them; but as humanity required it, my feelings compelled me to furnish those articles.

In any instances where evidence cannot be obtained of the exact quantity, number or quality of any deficient article, I presume a discretion is placed in me to decide what ought to be done. In those instances it has been and will be my disposition to observe a liberal conduct, presuming such to be the disposition of our government. I will state, as an instance, the cordage and sails furnished the corvette.

The articles necessary to complete her equipment and stores, that are to be furnished by the United States, being all ready to be delivered, I hope that orders will now be given to receive them on board without delay. As it must be desirable to extinguish the daily expenses of subsisting the crew, joined to my wish that she may be in readiness for sea as soon as possible, induces me to make this request.

I trust that some arrangement will shortly be made for supplying any articles that may be required for the use of the corvette, which I may not feel myself warranted in furnishing; but the want of such articles ought not to protract the operations that are necessary to prepare her for sea.

I am, &c.

SAMUEL BROWN.

Mons. Guirard.

Extract of a Letter from Samuel Brown, Navy Agent at Boston, to Levi Lincoln, Esq. without date, but received August 27, 1801.

THE capture was made on the 12th of October, 1800. On the 14th November the corvette arrived here; on the 17th she was libelled and condemned, with her guns, apparel, appurtenances and effects, at the district court in December term, 1800. On the 30th of that month she was dismantled, and sold on the 15th of January last by the marshal of the district; and bought in for the United States by order of Stephen Higginson and Co. I cannot find that there was any property taken on board of her that was not libelled, excepting such as was given up to the officers by the captain of the Boston at the time of capture.

The instructions, I received from the Secretary of the Navy on the subject of her repairs, authorized me "to ascertain the state she was in at the time of her capture as to her armament, stores and provisions, and to cause her to be put in the same condition to be delivered up to the French government." I have presumed it was the meaning of the instructions, though not fully expressed, that the corvette should be restored, in all respects, to the condition she was in immediately anterior to the commencement of the action with the Boston. I have therefore endeavoured, in directing the repairs and furnishing the supplies, to be governed as far as possible by this principle, which I made known to such of the principal workmen employed in the repairs as appeared to be expedient. But an adherence to the rule, with a few exceptions, was soon

found impracticable, but every departure produced an expense to the United States; for example, the stays, shrouds, and all the cordage were unavoidably replaced with new for old. The rule of course was violated, as the old was not worth more than two thirds the price of new. The corvette was in this respect therefore placed in a better condition than she was at the commencement of the action; but the United States lost by it the difference in the value of the new and old cordage. This was also the case with her sails, with her masts, spars, tops and caps; with the carpenters work, with the iron work, and with many other supplies too numerous to be detailed here. Her stores, &c. thus furnished may, I presume, be estimated to be worth on an average thirty per cent. more than the stores they have replaced.

George Town, 6 Vendemaire, year 10. (Sept. 28, 1801.)

It is with much pleasure that citizen Pichon communicates to Mr. Madison the enclosed extract of a letter, which he has just received from governour La Crosse. It will shew the disposition which animates this officer, as well as the spirit in which his instructions are conceived. General La Crosse, in the same despatch, while replying to the instances, which citizen Pichon, as is known to Mr. Madison, had made to him, for indemnifying immediately the five or six cases of prizes, which come within the treaty, opens to him with great confidence, the motives which have induced him to refer the claims for restitution to the government. The 1st is the exhausted state of his funds. The 2nd, the obligation, which he really and conscientiously believed himself under, of referring the question to the council of prizes, which, according to the law whereby it is established, pronounces in the last resort; the prizes in question being posterior to its establishment. The 3rd motive is, the desire which he has to receive from government answers to some questions which he had proposed upon this kind of business, his present instructions not being

sufficiently particular for him to act upon. The general, besides, assures citizen Pichon of two things: First, That immediately upon the decision of the council being known, he will pursue the captors with all possible severity. Second, That he will himself, as soon as the minister replies to his questions, use all his efforts to indemnify the sufferers.

General La Crosse also advises citizen Pichon that he will be under the necessity of imposing a duty upon the entry and exportation of merchandize from the colony. When the measure is taken, citizen Pichon will be informed of it, and he will communicate it to Mr. Madison, whom he prays to accept his respects.

With the Note
of L. A. Pi-
chon of Sept.
28, 1801.

*Extract of a Letter from Rear Admi-
ral La Crosse, Captain General of
Guadaloupe and its dependencies, to
citizen Pichon, Commissary General,
charge des affaires of the French Re-
publick, dated 14 Fructidor, year 9,
(September 1, 1801.)*

“A VERY important object, that of the vessels of the United States carrying away our black cultivators, obliges me to take a very rigorous resolution against those who so audaciously violate the publick law. Lately an American captain took six, which he carried off with him. He was arrested and convicted of the offence. But in taking general measures upon this subject, I thought that I ought to give a proof of the indulgence of the French government towards the subjects of a nation, with which we ought to be intimately connected. I shall be glad, if you will confer upon it with the Secretary of State of the United States, because I am convinced beforehand, that he will find no measures severe enough for punishing such a violation of the laws of our territory. You will do me the greatest pleasure to give me your ideas, and his, upon this subject.

(Signed)

LA CROSSE.

BOSTON, OCTOBER 31, 1801.

SIR,

I now enclose an account of the repairs made on, and the supplies furnished to the French national corvette *Le Berceau*, agreeably to your instructions of the 2nd of April last, amounting to \$32,839 54 cents, to wit: Supplies from publick property \$18,345 10 cents, and bills discharged by cash for repairs and supplies, \$14,494, 44 cents. As some of the indents for supplies were not made out till a short time previously to her departure, I have not therefore been able to furnish the account before this time. I have thought it would be proper, in order to shew as fully as possible, the state of her equipment, to begin the account by detailing the supplies furnished from the inventory of the stores purchased with the hull of the corvette by Messrs. Higginson and Co. the late agents; but presuming the cost of those stores has been forwarded to the navy department, I have supposed it to be unnecessary to carry out a price against them. The supplies furnished from the property of the publick follow next, in the account, to which I have affixed a price. And lastly, the bills for repairs and supplies which have been discharged by cash.

Some of the stores of the inventory of *Le Berceau* were left on hand after the equipment, which with a quantity of old copper taken from her bottom, have been delivered to Major Gibbs, whose receipt is enclosed.

In your letter of the 8th July, you have advised that it would be proper for me to state particularly, by letter to your department, the repairs and supplies received by the *Le Berceau* at the publick expense. You have also directed to be stated the precise condition she was in, as to her equipment of every kind, on the delivery to the officers appointed on the part of the French Republick to receive her. On the 23d June she was formally delivered up, but, as many of the supplies to her were necessarily made after that time, I conceive the object intended would not be embraced by stating her condition at that period. I think there is no better way of ascertaining the repairs and sup-

plies she received at the publick expense, and the condition of her equipment at the termination of the supplies, than by a reference to the account, which I hope you will think to be sufficiently explanatory. But it may not however be amiss in me, to make some general observations on the subject. I shall therefore say, that the best shipwrights, blacksmiths, caulkers, joiners, mast-makers, riggers, and other workmen in this place, were employed on the repairs, that their work was well executed, and that the materials furnished for the purpose, were of the best kind. That wherever the copper on her bottom appeared to have received any injury, it was repaired with new. In these respects there cannot be a doubt of her being placed in a better condition than she was in at the period immediately anterior to the action with the Boston. Her masts, bowsprit, spars, tops and caps, were all new, and made in the best and most substantial manner. Her shrouds, stays and cordage were also all new, and of the best quality, being made of the finest yarns, excepting about four tons of the latter, supplied from the inventory purchased by the late agents at auction. She was furnished with a new cable of 18 inches, 120 fathom in length, and amply supplied with spare cordage. In addition to upwards of thirty sails that were saved from the wreck, which were put in good order, she was furnished with a complete new suit of sails, made of the best duck. Her condition as to her masts, spars, shrouds, stays and sails, was doubtless made much better by the repairs, than at the period referred to above.

Her supply of blocks and block work was ample. She was furnished with a new barge, and her other boats were well repaired, and she was abundantly supplied with water casks. The surgeon's department was well furnished, excepting amputating instruments, which were not supplied, as it was discovered that her former surgeon had kept possession of those that were on board at the capture. Her cabin was sufficiently furnished with tables, desks, chairs, crockery-ware, and other furniture. In these respects there cannot be a doubt, she was also placed in a better condition than she was in at the period before referred to.

In conforming to the indents of the captain, she was furnished with beef, pork, bread, beans, rice, flour, oil, rum, wine, and other stores, for a voyage of three months, which were of the best kind.

The gunpowder, and other military stores supplied her, were also furnished in conformity to the indents of the captain.

She mounted on her battery, twenty-two nine pound cannon, and two short twelve pound carronades.

On the 26th of last month she departed from hence for sea. The pilot that carried her out, has since returned, having continued on board until she was fifty leagues at sea, when he was put on board of a vessel bound hither.

The bills in the account, agreeably to the abstract enclosed marked No. 1, amounting to \$519 37 cents, may not perhaps be considered as proper charges against the outfits of the corvette, as they were for supplies so made to her crew, soon after her arrival here, and for their transportation to New York; I have presumed, however, that there would be no impropriety in placing them therein.

The bills and supplies charged agreeably to abstract, enclosed, marked No. 2, amounting to \$3480 82 cents, for the hire of Apple Island, for blankets and hammocks, for the transportation of the crew from New York, and for their subsistence after their arrival here, till they were ordered by the captain to repair on board of the corvette, I have supposed, from the nature of the supplies and charges, might be reimbursed by the French government. Necessity obliged me to furnish them, as the French commissary had then neither money nor credit, to enable him to do it. I also forward by this post, in a separate enclosure, the vouchers of the bills paid for the supplies made to the *Le Berceau*, being from No. 1, to No. 114.

I am, with great respect, sir, your most humble servant,

(Signed)

SAMUEL BROWN.

Original cost of the corvette Berceau	\$13,349 44
Commission on the purchase, 2 per cent.	266 98
	<hr/> 13,616 32
Repairs of the Berceau	32,839 54
	<hr/> \$46,455 86

French Convention signed by the plenipotentiaries of the two nations, Sept. 30, 1800.

Ratified by Mr. Adams, with exception, &c. February 18, 1801.

Agreed to by Bonaparte, July 31, 1801.

Promulgated by the President, Dec. 21, 1801.

[COPY.]

Messrs. Stephen Higginson and Co. Boston, Jan. 15, 1801.

Bought at Auction.

		Dls. Cts.		Dls. Cts.
Ship Berceau, per inventory				8000
925 shot, 9 and 12 lb.	-	16	148	
48 hand grenadoes	-	17	8 16	
11 pair 9 pound cannon carriages	-	160	1760	
1 pair 12 pound carronades	-		105	
48 iron bound large casks	-	8 25	396	
26 do. 50 gallons	-	3	78	
18 do. 19 and 30	-	1 20	21 60	
1 iron bound hhd. 2 harness tubs, 1 empty quarter cask	-		6	
4 coils cordage 6 2 14	-	11 25	74 53	
4 do. 4 2 9	-	15 50	71	
4 do. 4 2 21	-	15 50	72 16	
6 do. 8 0 24	-	13 50	119 90	
69 muskets and 75 bayonets	-	5	345	
2 pair blunderbusses	-	9 50	19	
5 1-2 pair pistols	-	5 25	28 87	
2 pair brass swivels	-	95	190	
1 chest containing tools	-		16 50	
13 lb. old iron	-	5 25	68 25	
79 ensigns, jacks, and pendants	-	3 10	244 90	
1 hawser 5 0 9	-	10 25	51 89	
1 do. 2 2 10	-	9 25	23 94	
1 do. 4 1 14	-	10 25	44 84	
1 do. 9 2 0	-	14 75	140 12	
131 3 0 standing rigging	-	5 25	691 68	
67 1 0 running do.	-	9	605 25	
1 3 10 do.	-	9	16 55	
8 0 0 wads	-	2 10	16 80	
				<hr/> 5349 44
				<hr/> 13349 44

Received payment of S. Higginson and Co. Navy Agents, amounting to thirteen thousand three hundred and forty-nine dollars and forty-four cents, in full.

(Signed) S. BRADFORD, *Marshal,*
Massachusetts District.

[COPY.] *Abstract of the Repairs and Expenditures on the French corvette Le Berceau, by order of the Secretary of the Navy, under date April 2, 1801, viz.*

Publick Property.—

	Dls.	Cts.
Timber	481	79
Copper	904	75
Cordage	5980	
Powder	1981	80
Shot	245	28
Canvas	912	29
Sails	1782	83
Kentledge	1256	20
Sundry small articles	1580	05
Bread, soft,	898	59
hard,	1440	
	2338	59
Beef,	170	
Pork	513	
	3021	59
Medicines	198	52
	18,345	10

Cash—Paid for the following bills.

	D.	C.		D.	C.
Edmund Hart, shipwright	1135	39	Isaac Collins, labour	724	
Eben. Leman, blacksmith	986	58	John Davis, do.	3	
Joab Hunt, ship joiner	178	94	Wm. Downe, do.	5	
John Edmonds, mason	7	25	Wm. and I. Harris, mast-		
Wm. Bell, do.	16		makers	1084	51
Simeon Killen, carver	27		M'Clennen and Sanders,		
P. Revere and Sons, cop-			riggers	722	91
persmiths	79	51	Jonas S. Bass, leather	79	10
John Odin, hardware	175	69	W. C. Hunneman, copper-		
John How and Sons, plumb-			smith	58	13
ers	9	25	Fowk and Dyer, blockmak-		
James Ridgway, painter	299	04	ers	13	87
James Prince, tar, &c.	21	90	Singleton and Himpson, do.	158	99

Fred. W. Major, do.	247 88	Jos. Lovering, jun. and Co.	
Isaac P. Davis, rigging,	202 75	candles, &c. 2 bills	61 39
Thomas and Watts, sail-		J. Hoffman, matrasses, &c.	13 44
makers -	258 67	John May and Sons, store rent	45
Wm. Otis Wyer, do.	71 35	Boot and Pratt, blankets	71
John and B. T. Wells,		John Cushing, do. 2 bills	143 33
coppersmiths -	18	Thos. Hastings, beer, 4 do.	223
Benj. Seward, gunsmith	115 04	Timothy Dodd, powder	3
Wm. Callender, armourer	133 15	E. and S. Larkin, stationary,	
Elisha Segourney and Sons,		5 bills	104 55
iron hoops -	34 67	John Hooton, wood	26 66
John Hooton, wood	47 17	Jos. Ripley, bread	42 67
Alley and Richardson, cop-		Andrew Dunlap, beer	2 25
persmiths	54 87	E. and A. Winchester, fresh	
James Davis, blacksmith	8	provisions	767 28
Samuel Thaxter, repairing		Jos. Russel, hire of island	150
compasses	11	John May and Son, wharf-	
Eben. Eaton, tinman, 2 bills	51 34	age, &c.	47 45
Joseph Roby, do.	51 39	Howard & Eaton, groceries	117 90
James T. Loring, medicines	84 12	J. W. Thatcher, matrasses, &c.	14 05
P. S. Medaro, putting up do.	20	John Pintard, freight of	
Wm. Dodd, water	40 86	French prisoners from	
John Lambord, cooper	302 45	New York	300
Thayer and Chapman, ship-		Joshua Hammond, do.	338 35
chandlers	345 73	John Rowe, do. to New York	333 33
Ben. Summer, crockery-		Mons. Clement, expenses of	
ware	159 54	do. at Nantucket	31 83
David Tilden, wood	84	Thomas Dillaway, fixing	
Lawrence Gray, ship-keeper,		births on board cartel	27 81
2 bills	253 74	H. G. Otis, apprehending	
David Tilden, scaleage	4 25	French prisoners	10
John May and Son, dockage		Jos. Lovering, jun. and Co.	
and wharfage	697 94	soap and oil for do.	11 86
Geo. Blanchage, truckage	62 49	Charles Davis, wood axes for	
Gleason and Thayer, do.	53 42	do.	4 83
John Sargent, lighterage	8 50	James Eunron, water casks	
Thomas Barmand, pilot	6	for do.	72
Benj. West, truckage	113 66	Joseph Pierce, jun. ship	
Joseph Ripley, rice	36 86	chandlery for do.	27 71
Thomas Dennie, wine	100 50		
John Parker, rum	608 19		\$ 14,210 24
Jos. Sheo, groceries, 2 bills	254 55	Commissions on \$ 14,210	
A. and C. Davis, flour	560	24 cts. at 2 per cent.	284 20
David Whiton, fowls	11		
John Dawson, corn	6		14,494 44
Thomas K. Jones, claret			
wine	327 40		\$ 32,839 54

Boston, Oct. 16, 1801. Errors excepted. (Signed) SAMUEL BROWN.

Extract of a Letter from Fulwar Skipwith, Esq. Commercial Agent of the United States, to the Secretary of State, dated Paris, Oct. 29, 1801.

“For the information of our fellow citizens concerned in the causes of captured vessels in this country, since the institution of the Council of Prizes, I here transmit an official list of all those that have been condemned, of those that have been acquitted, and finally, of those now depending for trial before that tribunal.”

A List of the Judgments rendered by the Council of Prizes, in the causes of American captured vessels ; from its institution, to the 3d of Brumaire, 10th year, (October 25th, 1801.)

AMERICAN

CAPTURED.	VESSELS.		CAPTORS.	DECISIONS.	DATES.	
	Names.	Captains.				
The Pegou	J. Green	The Bravoure and the Cocarde	Released—with damages		Prairial	9 8
Union	Ab. Lunt	Tartare	do.		Messidor	9 8
Statira	J. Seaward	Hazard	Cargo condemned, ship released		Thermidor	6 8
Republican	J. Simpson	Spartiate	Condemned		do.	6 8
Peggy	G. Davidson	Grande Decidé	Released—compromise confirmed as far as relative to the damages		do.	16
Portland	J. Pollard	Diabie à quatre	Condemned		do.	19
Polly	Ty. Tufts	Grand Buonaparte	Released—no damages		do.	

CAPTURED.	VESSELS.	CAPTORS.	DECISIONS.	DATES.
Names.	Captains.			
Nancy	Lew. Young	Caroline	Effects taken on board this vessel } put to the disposal of government } till they are claimed	Thermidor 19
Ruby	Luke Keefe	Bourgainville		do. 27
Pearl	Wm. Lattimer	Effronte & Légéré.		do. 27
Hetty	Thos. Carter	Brave		do. 27
Woodrop Sims	Hogdson	Heureux		do. 29
Parkman	L. Mackmillan	Aventure	Condemned	do. 29
Retrieve	Rub. John	Impromptu	Compromise ratified by the Council	Fructidor 7
Ruby	J. Girard	Venus	Released—no damages	do. 17
Columbia	Feb. Coran	Juste	Condemned	do. 23
Ann	Robt. Lord	Bellone	Condemned	do. do.
Exeter	Morgan	Legere	Released with damages	do. 27
Frederick	J. G. Clark	Arriege	Condemned	8
Ariadne	John Le Bosquet	Laure	Released—no damages	Brumaire 9
Apollo	John Walker	Overture	do. do.	do. 13
Eleonora	Lanc. Davidson	Legeré	do. do.	do. do.
Molly	Burrowdale	Eole	Condemned	do. 17
Martin, Norfolk	P. Parcells	Fortune	Released—no damages	do. 27
Suffolk	Is. Hussey	Overture	Damages not granted to the owners	do. do.
Amsterdam	Ad. Scott	Odele	Released—no damages	do. 29
Tom	Jo. Bailey	Eole	Released do.	Frimaire 3

CAPTURED.		VESSELS.		CAPTORS.	DECISIONS.	DATES.
Names.		Captains.				
Flora		Le Pelley		Bouches du Uione & l'Afrique	Compromise ratified	Frimaire 3
Pool Carey		Jo. Benson		Heuruex Spécu- teur	Released—no damages	do. 9
Fame		John Rusth		Beyonnair	do.	do. 23
Ann Susann		Rich. Pickett		Heuruex Spécu- teur	do.	do. 27
Minerva		Thomas		Gironde	Desistance of the captors ratified	Nivose 17
Juliana		Thomas Haward		Esperance	Condemned	do. do.
Eagle		Churchills		Minerva	Compromise ratified	do. 29
Lambert		Anth. Stolesbury		Volney's 2d freres	do.	Florear 27 9
Amazona		Jos. Trask		Mouche	Released—no damages	Fructidor 13
Lucy		William Russel		Struck near Calais	Permitted to put again to sea on bail, and afterward definitively released	do. 13
Fanny		Jene Smith		Papillon	Released—no damages.	do. do.
Argo		Chipman		Moucheron	do.	do. 17 9
Nancy		Appl. Warden		Juste	do.	do. 23
Charles Carter		J. Tomkins		Cygne	Released with damages	do. 27
Sally		Alex. Frazer		Emouches and Au- daceux	Appeal rejected, as being too late	do. do.
Pacific		Saml. Kenedy		Argus	do.	Vendemaire 3 10

CAPTURED.	VESSELS.		CAPTORS.	DECISIONS.	DATES.
<i>Names.</i>		<i>Captains.</i>			
Pomona		Robt. Hooper	Eole	Released—no damages	Vendemaire 7
Lenox		Ruf. Green	Eole	Released do.	do. do.
Ann and Mary		Ths. Hunt	Espoir & Favour	Released with damages	do. 17
Rodolph Frederick		Ths. Crocker	Laure	Condemned	do. 23
Josephus		Wm. Loveless	Abeille es Mou- cheron	Released—no damages	do. do.
Dublin Packet		H. Green	Abeille	Condemned	do. do.
Alknomac		Miller	Gironde	Released—no damages	Brumaire 3
Amelia		Logan	Deux Amis	do. do.	do. do.

The above list of the judgments rendered by the Council of Prizes, on the American captured vessels is true and conformable to the records of said Council.

(Signed)

CULMELIS, Secretary *Gl.*

A true copy,

F. SKIPWITH.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A REPORT FROM THE SECRETARY OF STATE, AND SUNDRY DOCUMENTS RELATIVE TO CERTAIN SPOILIATIONS, AND OTHER PROCEEDINGS REFERRED TO, IN A RESOLUTION OF THE HOUSE OF THE EIGHTH OF JANUARY LAST. APRIL 20, 1802.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I TRANSMIT you a report from the Secretary of State, with the information desired by a resolution of the House of Representatives of the 8th of January, relative to certain spoliations and other proceedings therein referred to.

April 20, 1802.

TH: JEFFERSON.

DEPARTMENT OF STATE,

APRIL 18, 1802.

THE Secretary of State respectfully reports to the President the information requested by the resolution of the House of Representatives, of the 8th of January last, relative to spoliations, committed on the commerce of the United States, under Spanish authority; and also, relative to the imprisonment of the American Consul at Saint Jago de Cuba.

This report has been delayed longer than was wished; but the delay has been made unavoidable by the sickness and absence of the chief clerk in this department, who had partially gone through the necessary researches, and could most readily have completed them.

JAMES MADISON.

PHILADELPHIA, OCTOBER 10, 1801.

SIR,

THE situation in which I am placed, as President of an incorporated Insurance Company, affords me a pretence

for addressing the Secretary of State on a subject in which I conceive the honour and interest of the United States are in a considerable degree involved. But as you will probably receive more formal applications on the same subject from other quarters, I shall be the less formal in my communication, considering it merely as an auxiliary which may or may not, be brought into action, as occasion may require. The Chamber of Commerce of this city have been collecting materials on which to form an address to the government, concerning the depredations lately made by the Spaniards on our commerce, in full confidence that proper measures will be taken to obtain from the Spanish government compensation for the injuries sustained, and security from farther depredations.

The sufferings and apprehensions of suffering from such depredations are far from being confined to this city: they extend to every sea port in the Union, and though the merchants and insurers feel them most pointedly in the first instance, they are more or less affecting to every individual in the United States. I have lately received a letter of request from the three incorporated insurance companies in Baltimore, to join in devising a mode of laying the matter before our government. The Chamber of Commerce having previously taken up the business, I communicated this letter to them, presuming it will be properly regarded.

Since the measures lately taken by the British government respecting their colonial admiralty jurisdictions, we have perceived a sensible abatement of their unjustifiable treatment of the American commerce. And it is but justice to the French to admit, that, since the late convention, they have generally desisted from capturing our vessels, and have treated them in a friendly manner. It seems improbable therefore that they have either authorized or countenanced these captures by the Spaniards; nor can I conceive any ground for them more plausible than the idle pretence of holding Gibraltar in a state of blockade by a few paltry privateers. This, one would suppose, could not

afford a tolerable pretence for capturing our vessels bound to their own ports, or others in amity with them, within the Mediterranean.

Vessels bound thither must necessarily pass near Gibraltar, and frequently find occasion to call there for information, or to obtain convoy. I therefore conclude that these depredations have been committed by marauders without the assent or knowledge of the Spanish government, and that they will be suppressed, and restitution awarded on application from the United States.

I have the honour to be, with due deference and respect, Sir, your most obedient servant,

(Signed)

CHS. PETTIT.

JAMES MADISON, Esq. *Secretary of State.*

PHILADELPHIA, OCTOBER 10, 1801.

SIR,

I HAVE the honour to send herewith a memorial from the Chamber of Commerce of this city, on the subject of Spanish captures, together with four letters, received by the owners of the captured vessels, which I pray the favour of you to lay before the President of the United States.

The business to which they relate has occasioned a very strong sensation in the minds of the merchants of this city. The property they have at risk is very great, and their information respecting its insecurity alarming. If Gibraltar is to be considered in a state of blockade, and American vessels directed to call there are, on that account, subject to capture and condemnation, there is reason to fear that most of those which were intended for the Mediterranean are in that predicament. They have generally been directed to call at that port, either to benefit of convoy, or to learn the state of the markets in the ports to which they were destined. And as Algeziras is so situated that few vessels can go in or out of Gibraltar without being seen from thence, it is hardly possible to escape the vigilance of their cruisers.

What the conduct of the Spanish tribunals (with respect to captures of this kind) may be, can only be conjectured, as no ultimate decisions had taken place in the cases immediately referred to. If we are to judge from the information received, and their conduct on former occasions, the prospect is sufficiently discouraging. Where the property has been of small value, it has sometimes been released, after long detention and considerable expense; but as yet we know no instance of restitution where the value was great, nor for what has been plundered by the captors.

The alarm created by these captures is not confined to Philadelphia. A letter from the Insurance Company of Baltimore, to the President of the Insurance Company of North America, has already been received, proposing a joint representation to the President of the United States on this subject; and there is no doubt but like measures will be pursued by the other trading towns.

It is hoped that the representation now made will be thought of sufficient weight to engage the immediate attention of the President, and that such measures will be adopted as the nature and circumstances of the case require. As other information on this subject is received, it will be communicated to government; and when any measures are determined on by the President, proper for the merchants to know, a communication of them will be thankfully received.

In the mean time, I am with great respect, sir, your most humble servant,

(Signed)

THOMAS FITZSIMMONS,

President Chamber Commerce, Philadelphia.

HON. JAMES MADISON, Esq.

To THOMAS JEFFERSON, President of the United States, the Philadelphia Chamber of Commerce respectfully represent—

THAT the commerce between the United States and the ports of the Mediterranean has become very important,

and, from its extent, had furnished to the merchants the pleasing expectation that it might be so extended as to compensate, in some measure, for the restrictions they have experienced in other quarters; but, that it has latterly met with obstructions from vessels cruising under Spanish colours, which threaten its extinction.

By recent advices from thence, it appears that a number of American vessels have been captured and carried into the Spanish port of Algeziras; among which are three belonging to this port, and one to Baltimore, the value of which together exceeds four hundred thousand dollars.

That although the decision of the courts had not (at the dates of the advices) been made, and although it is possible some part of this property may be liberated, yet it is perfectly ascertained, that the vessels were plundered of goods to a considerable amount by the captors; and that the passengers and crews were grossly abused and ill treated, for which no compensation or retribution was expected.

That the pretence for capturing these vessels is, that they were intended for Gibraltar; and it was publicly declared that all vessels which should touch, or intend to touch at that port, would, if met with, be subject to like consequences.

That Gibraltar is little resorted to by American vessels for the purposes of trade, but from its situation in relation to the Mediterranean, they are often obliged to put into that port; and of late, have generally been directed to do so, for the purpose of obtaining convoy from some of the national ships, against the Barbary corsairs.

Whether, under present circumstances, Gibraltar ought to be considered as in a state of blockade by the Spaniards, or not, we by no means undertake to determine; but we can assert with confidence that the merchants of this city have not had such notice thereof, as is usually given by nations acting with good faith to each other; although the United States have had a minister and consuls in that country, and the Spanish government have constantly had like functionaries residing in this. This government hav-

ing given information that the American squadron would rendezvous at that place, and the commander be instructed to give convoy to their vessels, when applied for, and he could do it with propriety, their owners were led to conclude, that in endeavouring to benefit of that protection, they were not liable to be molested by any friendly power.

As it is extremely important to the American merchants to be informed whether under the existing circumstances they ought to consider the port of Gibraltar as blockaded, one object of their application to the President is, to obtain that information. Should it be so determined, they trust, till legal notice thereof shall have been given, they ought not to be subject to the losses and detention which they have experienced, and that retribution will be obtained therefor.

They flatter themselves too, that vessels which do not call there, or which may be obliged to put in by stress of weather, or for convoy, and not for the purposes of trade, may not be carried into the Spanish ports, and undergo the losses attendant on such detention; but that where their papers are fair and clear, they may be permitted to pursue their voyages without molestation.

In full confidence that the President will take this, their respectful representation, into consideration, they console themselves with the hope, that he will take such measures thereon, as the nature and importance of the case may, in his opinion, require.

In behalf of the Chamber of Commerce of Philadelphia.

(Signed) THOMAS FITZSIMMONS.

Philadelphia, Oct. 10, 1801.

ALGEZIRAS, AUGUST 3, 1801.

Messrs. Nicklin and Griffith—Gentlemen,

I WROTE you last in a hurry, acquainting the unfortunate capture of the ship Molly, after an action of two hours. You will please to observe, gentlemen, we were attacked under the red flag and French colours, although

it appears, and indeed is actually the case, they were under Spanish commissions, and undoubtedly we have a plea and defence against the proceedings of those pirates. Mr. Gibson's communicating to you fully respecting the capture of the ship, and the situation she is in, if there are any hopes of her release, &c. it is unnecessary for me to mention any thing farther on that head.

With attention to your interest, I remain, gentlemen, your most obedient servant,

(Signed)

RICHARD FLIMM.

ALGEZIRAS, JULY 26, 1801.

Messrs. Willings and Francis—Gentlemen,

IT is with sincere regret that I have to acquaint you of the capture of your brig *Sophia*, and of her arrival here on the 24th inst.; and last evening, to increase the misfortune, the armed gunship the *Molly*, towed in by seven Spanish privateers, with whom she had warmly fought for upwards of two hours; but I have the pleasure to say, that Mr. Gibson, the captain, and officers, are well; several were wounded. The crew, without exception, have shared a similar fate to that which we experienced on board the *Amelia*, being plundered of every article of clothing, and otherwise treated with the greatest inhumanity. I made two attempts to get along side, but so rigid are the privateersmen, that I was reluctantly compelled to sheer off; however, I shall use the greatest exertions to afford them relief; and you may be assured of my utmost endeavours to make myself serviceable, and I feel it more particularly my duty where you are so deeply interested. I have offered a trifling gratification to get the *Sophia* liberated from quarantine, and I am in hopes that to-morrow Mr. Dugan will be on shore. I have received your favours by that gentleman, and have taken means to get the business in a train, the result of which I shall not fail communicating.

In great haste, gentlemen, believe me, very respectfully, your most obedient servant,

(Signed)

CLEMENT HUMPHREYS.

P. S. All American vessels that have *Gibraltar* written on their papers, and met with by Spanish privateers, will be brought in and *condemned*. The following American vessels, in addition to what I have mentioned, have been sent in since the 24th inst.

Brig Maria, Capt. Hardie, from Philadelphia,	} in quarantine.
Brig Milford, — from Baltimore,	

ALGEZIRAS, JULY 31, 1801.

Messrs. Willings & Francis, Nicklin & Griffith, and Henry Nixon, Philadelphia.

GENTLEMEN,

IT is with sincere pain I inform you of our unfortunate capture by the French and Spanish boats, after an action of two hours. It still bears more hard upon us when we reflect we had every reason to suppose we could have made good our passage to Gibraltar, had our guns been sufficiently heavy for their weight of shot. Our crew went to their quarters with alacrity, and did not offer to desert them.

I have not before this had it in my power to write a line, all communication being with us cut off, until we had given in our declaration to the commander at San Roque, from whence I returned yesterday.

The principal plea for condemnation is our being bound to Gibraltar. Our firing on the gun-boats will be no injury to our cause, as we were attacked by the flag of Tripoli (a red flag) and no right to regard any colours afterwards hoisted. By continuing the action until we were come up with by a gun-boat in the king's service, we fall directly under the cognizance of government, and I understand our cause will go direct to Madrid, no notice being taken of it here, which is not the case with those ships who have struck to private armed vessels. In consequence of which I hope, gentlemen, I shall get more redress, but fear it will be a long time. Those who have to apply here are detained a considerable time, and have their decision ultimately from Madrid.

The ship is stripped, the sails unbent, and a guard of Spanish soldiers put on board by the orders of the commandant, which now puts a stop to any further pillage, which was carried on with so much diligence while under the direction of the privateersmen, that \$10,000 will not replace what they have stolen.

By this conveyance I have written to Messrs. Turnbull and Co. of Gibraltar, requesting all the information they can give, as also a credit on Cadiz or Madrid, (could it be obtained without much expense) by which I might be enabled to give security for a certain amount, and obtain the release of the ship.

This plan appears to be the most eligible, as we were taken by a government vessel, who are responsible for all damages in case of acquittance; they may perhaps be more inclined to accept the obligations of some safe house in Cadiz, than detain the ship until the final decision. I shall anxiously wait an answer from Messrs. Turnbull and Co. (under cover to whom I send this letter) from whom I expect much information which is not to be obtained here, Mr. Clement Humphreys being gone to Cadiz, and the American Consul, Mr. Molony, a superannuated gentleman, either not having it in his power, or being unwilling to render any assistance to Americans brought in here. On Mr. Turnbull's opinion I shall principally rely in the prosecution of my business.

It is a great pity some vessels are not kept constantly cruising in the mouth of the Straits. One or two frigates would entirely prevent the depredations of the boats, who are no better in their treatment than the brigand barges in the West Indies. Were our government to make a spirited representation, I have no doubt but redress might be obtained for the depredations committed on our flag, as they tremble for their possessions in the West Indies and South America. The French commissary has great influence here, and has the power of removing all causes of capture to Paris, where possession has been taken by the French flag, which makes me think ourselves fortunate in not sub-

mitting early. All armed French vessels can obtain the privilege of wearing a Spanish flag by paying two thousand dollars, so that there are none but what carry the standard of both nations.

I shall write you by every conveyance, and hope to hear from you, either by the way of Gibraltar, Cadiz, Malaga or Alicant, under cover to Mr. Molony, American consul here. You will please to be very guarded in your expressions for fear of your letters falling into the hands of our opponents. Our situation is very delicate, the smallest trifle will condemn the ship and cargo.

Our treatment has been infinitely more harsh than I experienced in Porto Rico, and think we stand as little chance of being liberated as there, unless I can interest our minister, when I go to Madrid, to act strongly in our behalf.

You will please inform me, whether it is necessary for me to stay after the first decision and appeal, if you abandon the property to the underwriter. I consider myself released after the papers are in such a train that their agents can carry on the appeal. As long as the property remains yours I shall remain by it, and shall, to the utmost of my power, endeavour to protect it.

Remaining, gentlemen, your most obedient servant,

(Signed)

JOHN GIBSON.

ALGEZIRAS, AUGUST 7, 1801.

*Messrs. Willings and Francis, Nicklin and Griffith, and
Henry Nixon.*

GENTLEMEN,

ENCLOSED you receive copy of my last to you under date of the 31st ultimo, forwarded via Gibraltar; since when nothing has been done in our case. I was in hopes then, from the information received, of the cause being carried immediately to Madrid, but have been deceived; the point in dispute at present is, who shall have the right of trial, the government of San Roque, or Algeziras, both strenuously contending, and fear we shall have to remain until an order is sent down from court.

Since my last, I have received a letter from Messrs. Turnbull and Co. in reply to the queries asked, they are of opinion we shall certainly be condemned, unless a sum of money is properly applied, which corresponds with my sentiment. Every officer under this corrupt government is open to bribery, and have no doubt, but a few thousand dollars would be the most solid argument we could advance in our defence. Upon the subject of bribery I beg leave to state my ideas. Whatever sum is applied must be done before a condemnation takes place, otherwise the cargo will be landed; and if prevented from being sold (which is not always the case, particularly if valuable) upon an appeal it will be pillaged at least 50 per cent. if any time in store, and no vigilance will protect it. As underwriters have hitherto refused paying, unless condemnation takes place, will they not refuse in this instance? Their conduct in this respect has already cost them dear, and if they pursue, will prevent many from coming forward. Several vessels might have been liberated by advancing the judge two or three thousand dollars; but the agents not considering themselves at liberty to do it, have refused, and afterwards compromised for a much larger sum on carrying on the appeal. In a conversation with Mr. Francis, previous to my departure, I mentioned the subject of ransom, should we unfortunately be captured by the Tripolitans, not at that time apprehending any thing from the gun-boats; but he was of opinion I could not ransom the vessel for any thing short of her real value, and would therefore decline mentioning the subject in my instructions. It is by no means certain we shall be released even by offering a sum of money, so many being concerned in our capture; but Messrs. Turnbull and company have guaranteed the payment of any sum I may choose to advance, and recommends the coming forward immediately. Mr. Clement Humphreys, at present at Cadiz, has mentioned my case to the house of Bernard Lacoste, the particular correspondent of Mr. Leamy; they have offered their services here, and a nephew is now with me, with whom I com-

municate. Mr. Humphreys, from his long stay, has had an opportunity of becoming acquainted with them, and strongly recommends them as a house of honour, on whom I may place the utmost reliance; they have had the principal American business under their protection, and from the loans they have made to government, have considerable influence. The young gentleman who has come down from Cadiz since my arrival, appears to be pretty well acquainted with the forms and corruptness of the courts, having managed many similar causes, and being personally acquainted with the principal officers here. I have written to Messrs. Grevignee and Co. of Malaga, forwarding them a recommendatory letter from Messrs. Turnbull and Co. Messrs. Grevignee and Co. are known to you, gentlemen—their influence in many places in Spain is not doubted, and I believe in this province they have great power. I expect much from their reply, and believe they will be willing to render you every assistance.

Considering the subject maturely, I am determined to go as far as ten to twelve thousand dollars, provided the ship is placed in security, say at Gibraltar, and hope you will be able to arrange matters with the underwriters, should any such advances take place. Convinced that you will think I am acting from motives purely for your interest, and not wantonly and without hesitation running you to expense, induces me to form my determination. Convinced also, that the prosecution of an appeal will be attended with more expense, and that every prospect of benefit from proceeding on the voyage, if ultimately released, will be destroyed by delay.

I am sorry captain Flimm incautiously delivered to an American captain, while I was in San Roque, a hasty account of our action. It was meant entirely for your eye, dictated by him, and to be by him enclosed to you. It was a true statement, but was never intended to be made publick, and am apprehensive the underwriters may hesitate on finding the guns were not adequate. The conveyance of letters from this place is always attended with danger, the

privateers' men being constantly on the watch endeavouring to intercept all they can; you will not, therefore, be surprised, should you not often hear from me, for in my situation one letter intercepted would ruin all our plans.

Enclosed you receive copy of our protest in the consulate here; if it is not regular you must attribute it to the ignorance of the forms, for I am obliged to draw out all writings, our consul not rendering any assistance. Hoping soon to have it in my power to give you better news, I remain, gentlemen, your most obedient servant,

(Signed)

JOHN GIBSON.

To THOMAS JEFFERSON, President of the United States.

SIR,

THE Newport Insurance Company in Rhode-Island think it a duty they owe to themselves, and those of their fellow citizens who are immediately concerned in trade, respectfully to represent to the chief magistrate of the Union, that great spoliations have been, during the present year, committed upon their lawful commerce by vessels acting under authority from the government of Spain.

As underwriters we have been unexpectedly injured by these spoliations, and are apprehensive of sustaining further and great losses by a continuance of them; we therefore beg leave to remonstrate against them.

The differences between the United States and France having been terminated by their late treaty, and the treaty subsisting between this country and *Spain* expressly allowing our citizens the liberty of trading to and from the ports of the enemies of the *latter*, it was presumed that vessels of the United States, destined to ports in the Mediterranean sea, would not be, *by being cleared for, or ordered to touch at, a British port*, rendered liable to be captured and condemned by the French or Spaniards.

War with several of the Barbary states having been apprehended for some months previous to the declaration of it by the government of Tripoli, the merchants of the

United States had deemed it prudent, for nearly a year past, to have their vessels, when bound to any port in the Mediterranean sea, *cleared for, or ordered to touch at Gibraltar*. to obtain information that might lead them to avoid, or to procure convoy to protect them against the Barbary corsairs. And it has not been unusual for American vessels, in times of the greatest security, to touch at Gibraltar merely for the purpose of gaining commercial intelligence, always useful, and sometimes absolutely necessary, for the success of their Mediterranean voyages. But since the existence of the danger alluded to, it has been considered essential to the safety of our merchant vessels bound as before mentioned, that they should touch at Gibraltar—And when cleared for, or ordered to touch at that port, they have been insured at a lower rate than they otherwise would have been. It now appears, however, that clearances and orders of this kind have exposed them to new dangers. They have been *avowedly in consequence of them*, taken near Gibraltar and carried into the port of Algeziras, in Spain, by gun boats and other armed vessels, sailing under the flag and authority of Spain, but in company, as we are informed, with French privateers, and have there been condemned by a Spanish tribunal. We have to regret the capture and condemnation, under the circumstances and in the manner above recited, of two vessels with valuable cargoes, owned wholly by citizens of the United States, and not laded with any goods contraband of war; in which, as underwriters, we were interested to the amount of thirty thousand dollars—that sum, however, comprising only a small part of the whole value of them. The papers relating to, and proving the capture and condemnation of, one of these ships called the *Hercules*, Courtenay, of Newport, we are assured, were transmitted by the owners of her to the Secretary of State some months since; and the facts respecting the case of the other, called the *Molly* of Philadelphia, have, we doubt not, been fully stated to the Secretary by the owners of her, who are merchants of that city. It is therefore unnecessary for us, and we shall not

presume to lay before the President all the circumstances attending these two captures. We nevertheless think it proper to mention, that it was alleged on the part of the captors that Gibraltar had been declared in a state of blockade by the government of Spain. This declaration was, however, not known here at the time of the sailing from the United States, of the two vessels referred to, and of many other vessels that have experienced a similar fate. It can indeed be considered only as a pretext for capturing defenceless neutral vessels, when it is known that Gibraltar has not been actually blockaded, for at least several years past, by any Spanish naval force capable of preventing a single British sloop of war from going into or coming out of that port.

The hostile disposition manifested by the Spaniards towards our commerce in the Mediterranean sea and elsewhere, excites in our minds serious apprehensions for its safety, when we consider the reduction that has lately taken place in our navy, and the present unarmed state of our merchant vessels. But relying upon your assurances to the legislature of this state, that "commerce will be cherished by you, both from principle and duty," we confidently hope that the powers vested in the President by the constitution and laws of the United States, will be exerted to obtain indemnification for the losses, and to prevent a repetition of the injuries of which we complain.

By order and in behalf of the Newport Insurance Company. (Signed) SAMUEL ELAM, *President.*

Attest, J. DENNISON, *Secretary.*

Newport, Rhode Island, November 10, 1801.

The subsequent remarks concerning Spanish depredations on American commerce, are extracted from Colonel Humphrey's letters to the Secretary of State, written at different periods, as will appear below.

"SCHOONER Active, of Penobscot, captain Holbrook, from Liverpool, bound to the United States, was captured by a

French privateer, re-captured by the English who restored her to the Americans on board. On her arrival at Gijon, she was seized and the Americans imprisoned: but both the vessel and crew were afterwards released.—13 June, 1800.”

“Ship Swansbury, Jonathan Bunting, supercargo, was lately taken by a French privateer and Spanish gun boat, and carried to Cadiz. She was seized because of her destination to Gibraltar.—[She was afterwards finally condemned in the Supreme Council of War.]—19 August, 1800.”

“Ship Catharine, of Baltimore, James Mills, master, was seized at Barcelona in September 1800, under pretence that lights were hoisted on board her as a signal, when on the 4th of that month, the boats of a British man of war cut two armed vessels out of that harbour.—30 September, 1800.”

“I still continue to receive frequent reports of vessels belonging to citizens of the United States, carried into Algeziras by privateers fitted out in the ports of Spain; and that in some instances where they have been captured by French and Spanish armed vessels or boats jointly, they have been delivered by the agents of the former to the agents of the latter, under a conviction that they would not at present be condemned as legal prizes by French tribunals; of which I have complained in the most explicit terms to the first Secretary of State.—13 January, 1801.”

“Several of our merchant vessels which had been captured and carried into Algeziras, by Spanish armed boats or vessels, have been set at liberty, but no compensation has been allowed for the great losses and damages occasioned by their unjust detention. In all these cases which have been reported to me, I have taken due measures for maintaining the claims for indemnification.—November 5, 1801.”

Extract of a Letter from Josiah Blakely, Esq. American consul at St Jago de Cuba, to the Secretary of State, dated November 1, 1801.

“ MORE than a month ago, by an order from the intendant at Havanna, my person was arrested, books and papers all seized, and stores locked up, and guards placed over them. I was conducted to *prison*, from which I now write. I have not yet been informed why this took place. At the time nine vessels were here under my charge. The cash found in my house was taken away. The detention, disappointment, loss and vexation to the captains of those vessels, and my correspondents, is *immense*. Some of the goods belonging to others have been given up—some are yet detained.

“ My total ignorance of the cause of such very extraordinary treatment has prevented my writing you before, to inform of my situation ; by the questions which have been put me, only can I conjecture.

“ In March or April last, the ship *Prudence*, of Boston, captain Rogers, last from another island, at which she had sold her cargo, came to this port for a cargo of molasses. No molasses could be had. She then left this for a port near Havanna in search of molasses. When arrived near Havanna, the ship was boarded by the officers, who demanded where from. She answered from St. Jago de Cuba—not having entered or cleared at this port, she could shew no such papers, and was instantly seized ; all her papers taken possession of, among which, 'tis said, was found the sales of goods, landed from the ship at this place. No such goods had been entered. This sale, 'tis said, was made by one Peter Lay, who, as he spoke three languages, did much business for me ; he also did business for himself, and many others. But, 'tis said, he signed this sale, as done by me. If any goods were landed, or sold from said ship, I knew nothing of, nor had I any thing to do with the business. Mr. Lay, having long since left this island, I can get no information from him on the subject.

“ My books and papers have been critically examined by the officers here, who have reported that they can find no such sales in my books or papers, nor even the name of such a ship. They declare, that by all the evidence they can get, I am wholly innocent, not only of that charge, but of ever attempting, in the least degree, to defraud the customs. Thus the custom-house officers have declared.

“ With the governour here, and all the first people of the city, I have lived not only in habits of friendship, but of intimacy. They all appear distressed at my situation, and say, they will at all times certify to the strict propriety of my conduct, both as a merchant and resident. Not a single inhabitant here has ever made the least complaint of my conduct since among them.

“ If captain Rogers landed or sold goods from his ship *Prudence*, at this place, as in fact I knew nothing of it, how far I can be implicated by a signature said to be done for me, particularly when such act was illegal, I should think must depend upon circumstances, which cannot apply in this case.

“ As I have been presented with no charge whatever, the whole of what I have written may be foreign to the real cause of my being thus situated. 'Tis probable the mail which is to arrive from Havanna fifteen days hence, will bring despatches concerning me. Being impatient to inform my government of my situation, I have troubled you with the foregoing, which is all I know of the subject. I have forwarded to Havanna my protest against the usage I have received. The Americans being permitted free access to my apartment, and I permitted by the governour here, to continue the functions of my office, I continue to execute the duties of it.

“ The damages to me and my correspondents, being *immense*, the best informed lawyers here say, large damages can be recovered of the *Intendant*; but situated as I shall be with him, 'tis not probable I can obtain relief, but through the *demands* of my government. Soon as I can obtain any official charges or legal statement of this busi-

ness, I will forward to you copies of the same. From the officers of government and the inhabitants of this place, and part of the island, I have experienced politeness and friendship, for which I render the homage due. But from the nation do we not receive many insults? In these seas our flag is constantly insulted by their privateers. When I mention the treaty, their officers affect to treat it with the greatest contempt, saying, it does not extend to the colonies, &c. Possibly the Intendant at Havanna is highly displeased at some of the protests I have made against the cruel treatment some of our vessels have experienced. In them I only declared the *truth*, and the rights of our nation."

From the same to the same, dated December 26, 1801.

"ON the first of November last, I wrote you on the unpleasant subject of the cruel treatment I had experienced in this place by an order from the Intendant at Havanna. In that letter I informed you, that on the 18th of Sept. last my person was arrested and conducted to the common prison in this city. My account books and the keys of my cabinets, trunks, &c. all taken from me. Stores all locked up, guards placed around my house and stores.

"My account books, receipt books, &c. were most critically examined, from the moment I commenced business in this place to that day. Each article of goods in my stores were also examined, to know if properly entered, the duty paid, &c. After many days examination, the king's officers were forced to report, that they could not find the least cause of complaint. I was not informed why this took place, yet I was still confined, and the embargo continued upon my stores and property.

"At the time of this arrest, I protested in the most solemn manner against such proceedings; demanding to know the cause of such disgrace to myself, total ruin to my business, disappointment and loss to my correspondents, and insult to my government and nation. The only answer I could obtain was, 'it was the order of the Intendant at

Havanna.' That I would soon be informed why this had taken place—my person be liberated, and the embargo taken from my property.

“ Though, in such extreme distress, I felt unwilling to be troubling my government, with complaints so very awkward, and unintelligible. Thus situated, I have waited the arrival of one post after another from Havanna, but since the tremendous order for my arrest, and the embargo upon all my property, I am informed by the governour here, not a line has come to him respecting me, or the property so embargoed, though much of it was in provisions of perishable articles.

“ Insulted, ruined in my business, distressed, and wholly in the power of those, perhaps, whose official existence will depend on my ruin and apparent guilt, I shall be under the necessity of humbly praying permission, as a native citizen, merchant and consul of the United States, to approach the high executive of my nation; there to pray that my tale of woe may be heard; that the unpleasant application I am under the necessity of making to the court of Spain for compensation for the great injury done me and my correspondents, the unlawful insult offered to my commission and nation, may be supported and enforced.

“ When this arrest and embargo first took place, the whole port appeared lost in astonishment. It seems the order of the Intendant at Havanna, was dreadfully severe and positive. I was writing in my office when the king's officers entered to execute the awful mandate. 'Tis said they brought with them a guard of fifteen soldiers. The whole city stood silent in wonder and expectation. The high charge given the guards; the number of sentinels;—my person conducted to prison—all my stores instantly shut—an instant stop put to all my mercantile proceedings—the rigorous solemnity with which the whole was conducted, deterred the good people here almost from looking at me. Few of them had sufficient courage to visit me. Many of my friends feared even to send their domesticks to inquire how I was. Many supposed the order must have

come from the king himself, by the awful severity with which it was executed. I then thought that my crimes had been so great, that like *Cain*, a mark of infamy had been set upon me by God Almighty.

My fast declining state of health, when in prison, induced the governour here, on the 25th of November, humanely to permit me to leave the prison, on giving bail for my person. I hoped my statement of damages, and certificate from the civil officers and principal inhabitants of this city, respecting my peaceable proper conduct since residing here, would have accompanied this, but since I have been out of prison all the principal inhabitants of this city have been at a neighbouring village celebrating to the Virgin an annual feast. The holydays, in which no business can be done, will now continue for some time. Soon as possible I shall forward to your office the said papers. I pray you to inform the President of the United States of the contents of this letter."

Vessels of the United States seized or detained by the Spaniards in the ports of Spain.

1. SHIP Margaret, Seth William Ferry, master, of Boston, David Dehon, owner :—The ship and 31,100 reals in cash, seized at Rivadeo on the 21st of April, 1796, under pretence that the money was unlawfully shipped—the helm taken away, and the captain confined in a dungeon—a royal order was afterwards obtained to deliver up the vessel—the captain prosecutes for damages.

2. Brig Sally, John Harrison, master, Thomas Eldred, of Newport, Rhode Island, owner :—Vessel and cargo seized at Alicante by the governour, in May, 1797, on information that the property was English—cargo sold for 25,000 current dollars, put in deposit—the vessel lately sunk in the harbour, value 6,000 dollars of the United States—suit depending before the supreme council of war.

3. Ship Josiah Collins, George Blair, master, supposed to belong to New York—detained in consequence of a Spa-

nish guard having seized the people of the ship's launch going on board with provisions and stores, and imprisoning them on shore, which occasioned the loss of the property by a gale of wind in the night, near Ferrol, in September, 1798.

4. Brig Baba Sidi, owned by Consul Montgomery, at Alicante, seized and detained by the governour there, as not being legally manned—afterwards liberated—Mr. Montgomery prosecutes for damages.

5. Brig Greyhound, William S. Plummer, master, of Boston, owned by Ebenezer Parsons—seized and detained at Palma, in Majorca, where the captain was imprisoned on suspicion of being a spy. 29th April, 1799—on the 21st of September a royal order was obtained for the liberation of the vessel, and for the payment of the cargo of fish sold to the king for a certain sum to be paid in specie.

6. Schooner Governor Carver, Nathaniel Spooner, master, of Boston, owned by Ebenezer Parsons—seized and detained at Palma, in Majorca, where the captain was imprisoned on suspicion of being a spy, 29th April, 1799—on the 21st of September a royal order was obtained for the liberation of the vessel, and for the payment of the amount of the cargo of fish sold to the king for a certain sum to be paid in specie.

Collected from the best information hitherto received.

Madrid, October 1, 1799.

(Signed)

M. YOUNG.

Cargoes belonging to citizens of the United States, seized or embargoed by the Spaniards on board of American vessels.

1. Of the brig Paddy, (sugars, segars, and Campeachy wood,) Peter Caruth, master, of Charleston—eight guns and fifteen men—the whole owned by Thomas Tunno and John Price, and consigned to James Kennedy, supercargo—seized at Cadiz in October, 1798, as the property of subjects of his Catholic Majesty.

2. Of the schooner *Hannah*, (*i. e.* that part of her cargo of fish destined for Bilboa, and which the administrador obliged the captain to land at Corunna,) embargoed on the supposition that the master, George Barker, of was attempting to introduce it fraudulently, January, 1799.

3. Of the ship *Portland*—proceeds of the fish embargoed at Alicante in February, 1799, on suspicion that it was not the produce of the fishery of the United States—embargo taken off by a royal order dated 16th March, 1799.

4. Of the brig *Pacific Trader*, Joshua Woodbury, master, of Boston—permission to land the fish was refused—on suspicion that it was not the produce of the United States' fishery—permission afterwards granted, on giving security to produce within a given time the vouchers required.

5. Of the ship *Hazard*, Richard Gardner, master, (17 bags of sugar being a part, omitted to be entered, seized at Alicante on suspicion of an attempt to defraud the king of Spain of his duties,) in April, 1799.

Collected from the best information hitherto received.
M. YOUNG.

Madrid, October 1, 1799.

Cargoes, the property of citizens of the United States, taken or seized by the Spaniards on board foreign vessels.

1. OF the English ship *Anne*, Andrew Miller, master, of Londonderry—owned by Obadiah Bowen and others, of New York—consigned by Messrs. Bulkely, of Lisbon, to L. O'Brien, at Ferrol, in July, 1792—seized on account of a part being damaged—the suit lately decided at Valladolid against the owners of the cargo—no appeal made for want of funds and orders.

2. Of the Swedish galliot *Patrona*, Ellje Jacob Vesser, of Wismar, master—owned by William Sontag and Co. of Philadelphia, taken in the year 1795—wines, loaded by Strobel and Martini at Bordeaux, for Hamburgh—condemned at Santander—appealed to the council of war, and then discontinued, I cannot learn why.

3. Of the Swedish snow Louisa Johanna, John H. Rogers, of Boston, supercargo—taken 3d of March, 1797—condemned at Ceuta 17th May following—confirmed by the king 6th October, with leave to the supercargo to be heard in the supreme council of war—suit still depending.

4. Of the Spanish vessel Sacra Familia—proceeds of the cocoa embargoed at St. Sebastian in 1797—property of merchants in Charleston—embargo taken off.

5. Of the Danish brig Count Bernstorff, David Fairchild, of Boston, supercargo—taken and condemned at Algeziras—appealed—sentence of condemnation reversed by the council of war—captor prayed for a re-hearing—suit still depending in the council of war.

6. Of the Swedish ship Nora, Israel Trask, of Boston, supercargo—taken 26th of June, 1797, and sent into Ceuta, where it was condemned—appealed—sentence of condemnation reversed by the council of war.

7. Of the Danish brig Concordia, Julius Cæsar Alberti, supercargo, taken into Algeziras and condemned—appealed—suit depending in the council of war.

Collected from the best information hitherto received.

M. YOUNG,

Madrid, October 1, 1799.

Cases of violation of the Spanish territory by the French, not included in either of the general reports, the vessels having been sent into the ports of France.

1. SCHOONER Alert, Jacob Oliver, of Beverly, bound to Santander, and taken within half gun shot of the port, on the 17th of January, 1799—sent into Bayonne, in France, where she was condemned, together with the cargo, by the tribunal of commerce, on the second of April—the schooner had been out 43 days when she was taken by three French cruisers, manned with Spanish sailors—did not appeal.

2. Ship Pearl, Latimer, of and from New York, owned by Gouverneur and Kemble, Mr. Olmiere, super-

cargo--taken with the assistance of a Spanish shallop sent from the town of St. Sebastian, 19th January, 1799, and sent into St. Jean de Luz--cleared by the tribunal of commerce at Bayonne--captor appealed to Pau--sentence reversed--suit now depending in cassation.

3. Brig Molly, Peter Kelley, of Philadelphia, cargo of codfish, oil, and whalebone, owned by Reid and Forde, and consigned to Aquila M. Bolton, supercargo---taken within three quarters of a mile of the shore at Cape Santana, 11th March, 1799, and sent into St. Jean de Luz, having a Spanish pilot on board, and bound to Bilboa--privateer La Victoire, of Bayonne.

Collected from the best information hitherto received.

(Signed)

M. YOUNG.

Madrid, October 1, 1799.

GENERAL REPORT of such Vessels of the United States as have been taken and brought into the ports of His Catholic Majesty, in Europe and Africa by the FRENCH, since the 1st day of October, 1796.

No.	Name of Vessel.	Tons. burden.	Name of Master.	Seamen.	To what Port be- longing.	Where cleared out, U. S.	To what Part bound.	Places touched at, or whence last bound.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken	To what port con- ducted.	Time of arrival.	Val. res. dols. U.S.	Val. carg. dols. U.S.	
1	Brig Rover		Arthur Smith,		Baltimore,		Gibraltar,		Rum, coffee, sugars,	William Patterson,	William Patterson,	John St. Martin,		9 Oct. '96,	Privat. le Furet,	Malaga,				Span. territory violated.
2	Brig Mercury		Samuel Brooks,		Boston,	Norfolk,	Gibraltar,		Tobacco, rice, flour,	William Patterson,	William Smith,		Going into Gibraltar,		Privat.	Malaga,				Span. territory violated.
3	Schooner Eliza		William Flag,		Charleston,	Charleston,	Hamburgh,		Rum, rice,				Going into Gibraltar,		Pr. Rights of man,	Ceuta,				Condemned.
4	Brig Atalante		Elnathan Minor,		Yorktown, Va.				Raisins,	R. Hughes & R. Montg.	Elnathan Minor,	Reed, P. and Bell,	Bet. Alic. & Carthag.	13 Jan. '97,	Privat. Aziza,	Carthagena,	14 January,	8,000	35,000	Condemned.
5	Brig Kitty		Thomas Horton,		Philadelphia,				Cod fish,	Philip Care,	Thomas Horton,			Feb.		Almeria,				Violation of territory.
6	Ship Three Brothers		Lindal Smith,		Portland,				Provisions and lumber,	Smith and Webster,	Smith and Webster,	Peter Bretagne,			Peter Bretagne,	Malaga,	1 April,			Cond. by F. Consul.
7	Brig Despatch		Philip Brown,		Philadelphia,	Philadelphia,			Rice, flour, coffee, staves,	Peter Kuhn,	Peter Kuhn,					Malaga,	2 April,			
8	Brig Nancy	141	Samuel Brown,	8	Quincy & Plank Cr.	Boston,			40,000 staves,	S. Brown & N. Downes	Brown and Downes,					Algeziras,				Condemned.
9	Snow Two Friends		Gideon Snow,		Boston,				Staves,	David Pearce,	David Pearce, jun.	Grivegne, and Co.				Malaga,	26 April,			
10	Brig Betsey		John Dove,		Boston,				Wines and brandy,	Joseph Lee, jun.	Joseph Lee, jun.	Wm. Wyman, S. Car.	Within gun shot,*	1 April,	Aziza,	Malaga,	1 April,			
11	Ship Governor Mifflin		William Bradshaw,		Philadelphia,				Candles, soap, wines, marble,	J. and P. Mackie,	J. and P. Mackie,	John Dove,	10 l. from C. de Gat,	2 April,	Zenador,	Carthagena,	19 April,	15,000	70,000	Violation of territory.
12	Ship Polly		Ambrose Atkies,		Salem,				Provisions and lumber,	John Norris,	John Norris,	Grivegne, and Co.		27 April,	Neuf Thermidor,	Malaga,	29 April,			Condemned.
13	Schooner Orrington		Penobscot,		Richmond,				Staves,	Thatcher Avery,	Thatcher Avery,	Grivegne, and Co.		29 April,	Neuf Thermidor,	Malaga,	29 April,			
14	Sloop Peggy		Henry Leader,		Malaga,				Staves,	Joseph Gallego,	Jedediah Leeds,	Grivegne and Co.		2 May,	Neuf Thermidor,	Malaga,	2 May,			
15	Schooner Abigail		James Atwood,		Boston,				Brandy and wines,	Eben. Parsons,	Eben. Parsons,	Grivegne and Co.		2 May,	Neuf Thermidor,	Malaga,	5 May,			
16	Brig Telemachus		William Plummer,		Boston,				Brandy,	Eben. Parsons,	Eben. Parsons,	Reed, P. and Bell,	Bay of Alicante,	18 May,	ditto.	Carthagena,	19 May,	3,000	11,620	Viol. of territory, con.
17	Ship Pomona		John Cruft,		Boston,				Brandy,	Eben. Parsons,	Eben. Parsons,	Reed, P. and Bell,	Going out of the harb.	18 May,	ditto.	Carthagena,	19 May,	6,000	27,330	Viol. of territory, con.
18	Brig Eliza		William Mugford,		Salem,				Wines and brandy,	Head and Amory,	Head and Amory,	Head and Amory,	Bay of Alicante,	18 May,	ditto.	Carthagena,	19 May,	12,000	35,000	Viol. of territory, con.
19	Brig Brothers		James Sumner, jr.		Charlestown, Mas.				Wheat,	William Gray,	William Gray,	Demaziere and Stem.	2 1/2 leag. fr. the harb.	18 May,	ditto.	Carthagena,	19 May,	5,000	20,360	Violation of territory.
20	Brig Friendship		John Proud,		Providence, R. I.				Brandy,	The King of Spain,	Terry and Scott,	James Sumner, jun.	1 hour from Valencia,	6 June,	Priv.	Carthagena,		6,000		Condemned.
21	Ship Alfred		Lister Askwith,		Saffee,				10,000 dollars.	John Arnold,	F. and J. Arnold,	John Proud,		19 June,	Priv. Fortune,	Alicante,	23 June,	5,000	17,080	Run ashore and lost.
22	Ship Plato		Andrew Lawrence,		Baltimore,				Wines, oil, soap, &c.	Oliver and Brothers,	Henry Preble,	W. Lowry, supercar.	Near Almeria,	14 July,	Priv.	Almeria,	14 July,	10,000	33,000	
23	Ship Outram		Samuel Clark Hill,		Boston,				Ballast,	Henry Preble,	Henry Preble,	Henry Preble,	Off Cape de Gat.	23 June,	Priv. Coragenx,	Carthagena,		10,000		Condemned.
24	Snow Hampton		Moses Andres,		Philadelphia,	Charleston,			Rice,					19 July,	Priv.	Algeziras,				sailed 28 Sept.
25	Ship Marianne		Jos. Paul Smith,		New York,				Wheat,						Priv.	Cadiz,				
26	Schooner Juliet	96	Nathaniel Horton,						Ballast,		Seton, Maitld. & Co.			11 August,	Priv.	Algeziras,	29 August,			Condemned.
27	Brig Atalante		Epas Ellery,		Boston,				Staves, butter,					5 Sept.	Priv.	Algeziras,				Cl. and sailed 8 Sept.
28	Brig Mentor	117	William Thompson	8					Ballast,					5 Sept.	Priv.	Algeziras,	5 Septem.			Condemned.
29	Ship Hancock	96	William Johnston,	9	New York,				Ballast,	William Johnson,	William Johnson,			14 Sept.	Priv. Hazard,	Algeziras,	14 Septem.			Condemned.
30	Schooner Atalante		Wm. Montgomery,						Tobacco, rum, gin, staves,	F. Dunn and Waite,	Waite and Dunn,			23 Sept.	Priv.	Algeziras,				Vessel cl. cargo cond.
31	Ship George	234	Francis Waite,		Portland,	Norfolk,			Staves,					7 Oct.	Priv.	Algeziras,	7 October,			Condemned.
32	Brig Harmony		Seth Clark,		Charleston,	Edenton,			Rice, sugar, flour,	Several shippers.	O. Peabody & others,		5 l. from Bayona Isl.	6 Nov.	Priv.	Algeziras,				Cl. and sailed, 15 Nov.
33	Ship Aurora	110	Benjamin Fernal,	8	Boston,	Charleston,			Dry goods and wheat,				Lat. 49, lon. 16 fr. Paris,	1 Oct. '96,	P. P. Amphibe, neal	Vigo,	3 Oct. '96	12,000	16,000	Cond. 11 Dec. '96, app.
34	Ship Federalist		John Pratt,		Charleston,	Boston,			Sugars, coffee, cotton, &c.	Loring and Curtis,	Loring and Curtis,	Daniel Bennet,	Bet. Cape Gat & Carth.	9 Dec. '97.	Pr. of Bor. l'Uron,	Pasages,				Condemned and sold.
35	Ship Otter		Daniel Bennett,		Boston,	Boston,			Sugars, fish, &c.	Willard Peel, and Co.	Willard Peel, and Co.	Andrew Harrison,	Bet. Cape Gat & Carth.	17 Jan. '98,	Priv. Courier,	Carthagena,	20 January,	14,000	55,000	Condemned.
36	Schooner Willard		Andrew Harrison,		Boston,	Salem,			Coffee and pepper,					18 Jan.	Priv. Courier,	Carthagena,		4,600	65,000	Condemned.
37	Ship Three Sisters	210	Timothy Wood,	10	Wilmington, N. C.				Salt and coals,	Jn. Hugg & J. Miller,	Hugg and Miller,			27 Feb.	P. Julie of Nantes,					
38	Brig Franklin	152	Clark A.D. Gilbert,						Salt and dry goods,				Lat. 49, lon. 16 fr. Paris,	10 March,	P. Julie of Nantes,	Coruna,	15 March,	4,000	9,016	Cond. 27 March, app.
39	Schooner Atlas		Thomas Kimble,		Boston,	Boston,			Tobac. beef, beans, fish, &c.					22 March,	Priv.	Algeziras,				Acquitted.
40	Brig Zephyr		Henry Elkins,		Boston,				Fish and Havana sugars,	Jacob Whittemore,	Cons. Pintard & cap.		8 l. from Malaga,	19 April,	Priv.	Malaga,				Cleared, 4 May.
41	Brig Farmer	130	Jacob Whittemore,	11	New York,	N. York, 19 Aug.			Coals, cheese, earthen ware,	Faris and Stoker,	Faris and Stoker,	Bustam. of St. And.	Off Cape Ortegal,	20 April,	Pr. Revenge, Bor.	Coruna,	21 April,	8,000	2,500	Cond. 8 May, appealed.
42	Schooner Retriever		Reuben Jones,		Newburyport,				Cocoa, codfish, tobacco,					April,	Priv. lug. 4 guns,	Gixon,				
43	Barque Albany	201	Emanl. Perady,	12	Hudson,				Linens and coals,	Citizens of the U. S.	T. Jenkins and Sons,		Lat. 39, 50 n. 39, 40 w.	24 April,	P. Heureuse, Bor.	Coruna,	9 May,	20,000	90,000	Con. sh. & c. 19 May, ap.
44	Schooner Barbara		James Sharp,		New York,	New York,			Tobac. rice, flour, coffee, &c.					23 April,	Priv.	Algeziras,	26 April,			Vessel cleared, car. con.
45	Brig Kitty		Thos. or Jas. Carter,		Newburyport,	Boston,			Toh staves, beef, cheese, &c.	Smith and Carter,	Murray & Mumford,	William Wood,	Cape St. Mary,		P. Brave Democ.	Carthagena,				
46	Ship Maria	135	Lewis M'Millan,	10	Alexandria,	Alexandria,			Brandy,	Murray & Mumford,	Murray & Mumford,	Thomas Carter,		6 May,	Priv.	Rivades,	23 May,	10,000	44,885	Condemned 25 June.
47	Ship Liberty		Philip Bonet,		Philadelphia,				Tobacco, cotton and staves.	Several shippers,	Thomson and Vietch,		Lat. 50, n. long. 18 w.	15 May,	Pr. of Bor. Aven,	Vigo, ‡				
48	Brig Ruby		James Art,	6	Philadelphia,	Philadelphia,			Salt,					10 May,	Pr. Vigil. Nant.		19 May,			
49	Barque Peggy		William Baird,	10	Philadelphia,	Philadelphia,			Cocoa,	Jones & Clark, & oth.	J. & C. & Shoemaker,	Gardoqui,	Near Luarca,	24 May,	Pr. lug. of Bayon.	Luarca,	28 June, '98			Condemned—appealed.
50	Ship Intrepid		John Sutter,		Baltimore,				Cocoa and bees wax,	Cony, Nesbitt & Co.	Conyngh. and Nesbitt,	John Cook, of Phil.	Near Cape Pinas,	31 May,	Priv.	Santander,	1 June,	6,000	127,500	Condemned and sold.
51	Ship Atlantic				Charleston,				Dry goods,						Priv.	Pasages,				
52									Dry goods,											

*Proved by 26 witnesses.

‡ Sailed thence March 10, 1798—touched at Cork and left it 25 March.

‡ The only interpreter at Vigo is the son of the captain of a French privateer.

GENERAL REPORT of such Vessels of the United States as have been taken and brought into the Ports of His Catholic Majesty, in Europe and Africa, by the FRENCH, since the 1st day of October, 1796---Continued.

No.	Name of Vessel.	Tons urden.	Name of Master.	Seamen.	Guns.	To what port be- longing.	Where cleared out, U. S.	To what part bound.	Places touched at, or whence last bound.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken	To what port con- ducted.	Time of ar- rival.	Val. ves. dols. U.S.	Val. carg. dols. U.S.	
53	Ship Superb		Joseph Barnet,			Boston,	Charleston,	London,		Cotton, logwood, rice,				Lat. 48, 35, N.	6 March,	P la Loire, F. Gale	Pasages,				Condemned and sold.
54	Ship Nelly and Kitty		Samuel Church,			Baltimore,	Baltimore,	Amsterdam,		Tobac. rice, and H. sugars,					7 March,	P Vant. le maitre,	Pasages,				Condemned and sold.
55	Ship Marianne		Patterson,			Salem,				Dry goods,						Priv.	Pasages,				
56	Ship Nancy		Jesse James,			Salem,			London,	Dry goods,						Priv.	Pasages,				
57	Ship Federal					Wilmington,			London,							Priv.	Pasages,				
58	Ship Eleazer					New York,										Priv.	Pasages,				
59	Ship John & Martha		Benjamin Feltnap,			Newbury port,		Hamburgh,		Barilla,	John Wells,	John Wells,	Grivegree and Co.		28 May,	Priv. Sans Facon,	Malaga,	21 May,			
60	Schooner Peggy		Thomas Tucker,			New York,		New York,		Wines and fruit,	Thomas Clayton,	Thomas Clayton,	Peter Bretagne,		26 June,	Priv. l'Italique,	Malaga,	27 June,			
61	Schooner Harriet		Timothy Crocker,	7		Boston,	Boston,	Bilboa,		Cocoa, sugar, corn, &c.	Gregory and Pickard,		Gordia and Bayo,		28 June,	Pr. Adel. Nantes,	Santander,	29 June,			Condemned—in appeal
62	Schooner Nancy		Henry Atkins,			Boston,	New York,	Malaga,		Tobacco, beans, staves, &c.					1 July,	Priv.	Algeziras,				Liberated.
63	Snow Elizabeth		George Loring,												2 July,	Priv.	Algeziras,				
64	Ship Eliza		Neil MacNeal,			Charleston,	Charleston,	London,		Rice, sug. coffee, indigo, &c.				Lat. 48, 35, N. lo. 13 W.	5 July,	Pr. Heur. Decide,	Pasages,				Condemned and sold.
65	Ship Joseph,*		Henry Wm. Bool,			New York,	New York, June 1.	Cadiz,		Tobacco, rice, staves,	Isaac Clason,		Henry W. Bool,	C. Spartel 4 l. fr. Cad.	5 July,	Pr. (6 arm. boats.)	Algeziras,		30,000		Ship cleared, cargo cond.
66	Brig Mary		Phineas Stoder,				New York,	Leghorn,		Tobacco, rice, flour, bread,							Algeziras,				
67	Ship Polly and Nancy		I. McKnight,			Philadelphia,				Tobacco,							Algeziras,				
68	Ship Mercury		Henry Hubbard,			Philadelphia,									26 July,	Priv.	Algeziras,				Condemned.
69	Snow William		Benjamin Lord,			Philadelphia,									Aug. '98	Priv.	Huilva,				
70	Brig Washington		John Bonnell,					Philadelpha,	Lisbon,	Wines and salt,		Daniel Bickley,		Bet. Lisbon & W. Isl.	3 Aug.	Priv.	Algeziras,				
71	Sloop Minerva		George Keyler,					Marseilles,	Copenhagen,	Cocoa,	Yates & Co. & Pollock		Joseph Barret,	Off Spartel,	9 Aug.	Priv. Democrat,	Algeziras,		16,388		
72	Ship Apollo	234	John Walker,	11		New York,	New York,	Gibr. or Malaga,		Tobac. flour, staves & wax,	R. Colquhoun,	James Sheaf,		49, 15 lo. 26, 10 fr. Paris	21 Sept.	Priv. l'Aventure,	Rivadeo,	1 October,	10,500	91,600	Condemned.
73	Ship Jane	250	John Whitby,	15		Portsmouth, Vir.	Portsmouth, Vir.	London or Falm.		Tobacco and staves,	R. Colquhoun & oth.	William Pennock,		49, 15 lo. 26, 10 fr. Paris	19 Sept.	Priv. l'Av. of Bord.	Rivadeo,	30 Sept.	11,000	99,424	Condemned twice.
74	Brig Amelia	130	Thomas Logan,	10		Norfolk,	Norfolk,	Falmouth or Lon.		Tobacco,	W. Graigy & H. Sadlier	Craigy and Sadlier,		39, 30 lo. 18, 20 fr. Paris	4 Sept.	P. Deux Amis Bay.	Muros,	9 Sept.	6,000	18,706	Condemned 18 Oct. '98
75	Schooner Sally		Stacey,			New York,	New York,	Gibr. or Malaga,		Tob. beef, sugar, cocoa, &c.						Priv. Gran. Bonap.					
76	Brig Aurora	135	William Toad,	7		Marblehead,	Savannah,	Bilboa,	Coruna,	Cod fish,	Several shippers,	Oliv. Peabody & oth.		45, 20 N. lo. 40 fr. Lon.	22 Dec.	Pr. Spartiate of B.	Coruna,	5 Jan. '99,	5,000	2,077	Condemned 26 January.
77	Brig Eleanor		Davidson,			Boston,		London,		Tobacco, rice, cotton, &c.						Priv.					
78	Schooner Martin		Nath. Williams,	7	8					Beef, pork, rice, butter,						Nathl. Williams,	St. Lucar,				
79	Brig Fell's Point	144	John Brown,	8		Gloucester,		Cadiz,	Oporto,					3 leag. fr. St. Sebasts.	26 April,	Priv.	Vigo,	9 Sept. '98,	5,000	22,426	Cond. 15 Sept. appealed.
80	Barque Ship Peggy		William Davidson,	14		Baltimore,	Baltimore,	Falmouth, Eng.						39, 16 lo. 14, 15 fr. Lon.	6 Sept. '98,	Les Deux A. de B.	Gison,				Condemned.
81	Ship Republican,	292	James Simpson,	14		Baltimore,	Baltimore,	London, Falm.		319 hhdts: tobacco,	H. Court. & D. Stewart,	H. Courtney,		Lat. 46,	20 May, '99.	Pr. Gran. Decide,	Coruna,	11 Jan. '99.	10,000	90,240	Condemned twice.
82	Ship Sarah,	227	Ph. R. Cooper,	16		New York,	New York,	London,		Tobac. coffee, Hay. sugars,	Several shippers,	Archibald Gracie,		La. 44, 16, lo. 37, 5, fr. P.	24 Dec. '98,	Pr. Spartiate of B.	Coruna,	11 Jan. '99.	15,000	137,620	Condemned 30 January.
83	Schooner Felicity,		Hugh Wilson,			Baltimore,	Baltimore,	St. Lucar,		Hav. & French sug. potash,		James Jaffry,		50, 10, lon. 15, 20, fr. P.	31 Dec.	Priv. Baalgad,	Coruna,				
84	Brig N. Y. Packet,		Joseph Innes,			Charleston,	Charleston,	Cadiz,		Tobac. flour, and sassafras,		Messrs. Booth,			Sept.	Priv.	Huelva,				
85	Brig Fame,	94	James Hunt,			Lamberton,	Lamberton,	Madeira,		Teas, wax, flour,		James P. Hunt,	J. P. Hunt and others,	Lat. 34, 38, lon. 14, 43,	13 Sept.	Priv. Fulminante,	Algeziras,		11,752		
86	Brig Thom. Pinckney,	117	George Pelor,	8		New York,	New York,	Cadiz or Gibr.		Tobac. flour, rice, wax, &c.			George Pelor,	Off Tarifa,	17 Sept.	Priv. Furieux,	Algeziras,		15,512		
87	Brig Commerce,		Rob. Caleff,	8		Norfolk,	Norfolk,	London,		Tobacco,	Buchanan & Dunlap,	Richard Caleff,		Off Newfoundland,	11 October,	Pr. Gironde of B.	Santander,	8 Nov.			Condemned and sold.
88	Schooner Telegraph,		Jer. Freeman,	8		Baltimore,	Baltimore,	Bilboa,		Cocoa,	John M'Faden & Co.	J. M'Faden & others,	Ezekiel Freeman,	Off St. Vic. de Barg.	16 October,	Priv. l'Horscope,	Santander,	24 Oct.	2,500	21,700	Condemned—in appeal.
89	Brig Jane,		Samuel Patterson,	8		Wiscasset,		Norfolk, Virg.	Liverp.s'ld Oc. 6,	Dry goods and salt,	Several shippers,	William Foster,			27 October,	P. Friponne Bouil	Santander,	14 Nov.			Condemned and sold.
90	Ship Pacific,	270	Samuel Kennedy,	27	16	Charleston,	Charleston,	Charleston,	Portsmo. in Eng.	Fish,	Loring and Curtis,	Samuel Kennedy,		Lat. 30, 45, lon. 17, fr. P.	9 Dec.	Pr. Argus Martin	Fer. or Cor.	30 Dec.	10,000	75,000	Con. 10 Jan.—appealed.
91	Schooner Hannah,		John Gristie,			Marblehead,		Alicante,		Sugars,	Seth Russel,	Loring and Curtis,	Grivegree and Co.		10 Dec.	Priv. Filibustier,	Malaga,	11 Dec.			
92	Brig Eagle,	118	Charles Churchill,	7		New York,	Nantucket,	Leghorn,		Wines, pepper, soap, &c.	Consul R. O'Brien,	Seth Russel,	Peter Bretagne,	35, 59, long. 23, 48,	1 Jan. '99.	Pr. Min. Nantes,	Coruna,	23 Jan. '99,	5,000	15,822	Cond. 5 Feb. App.
93	Pol. Vicklehodge,		Thomas Dason,			Boston,		Boston,		Coffee, sug. tob. indigo, &c.	Notnagel & Montmol.	Consul R. O'Brien,			1 Jan.	Priv. Emilia,	Malaga,	2 January,			
94	Brig Delaware,		James Dumphy,			Philadelphia,	Philadelphia,			Fish, sugar, &c.	Loring and Curtis,	Ambrose Vasse,	Grivegree and Co.	Close in with the coast	13 Jan.	Priv. Vautour,	Santander,	15 January,			
95	Brig Diana,		James Freeman,			Boston,				Tobac. sug. rice and flour,		Loring and Curtis,			24 Jan.	Priv. Dugammier,	Malaga,	25 January,			
96	Schooner Frederick,		Daniel Bender,			New York,		Malaga,		Coffee and sugars,	Jackson, Parsons & oth.	Jackson, Pars. & oth.	Jacob Stone,	Straits of Gibraltar,	1 Feb.	6 privateers,	Algeziras,		4,000		
97	Schooner Maria,	60	Jacob Stone,	12	5	Newburyport,	Newburyport,	Leghorn,		Staves and Indian corn,	Clason Heiches, & co.	John Donaldson,			13 Feb.	Priv. Egyptienne,	Vigo,	25 March,	8,000	5,187	Condemned 21 April.
98	Brig George,	122	Isaac Howland,	7		Philadelphia,	Philadelphia,	Oporto,						45, N. lon. 33, W. of L.	23 March,	Corageux of Bor.	St. Sebast.	4 April,			Condemned and sold.
99	Ship Fame,		William Story,			New York,		A port in Eng.	Bay of Honduras	Mahogany,					17 March,	2 privateers,	Santona,	29 March,			Cleared by Fr. con. app.
100	Ship Ann and Mary,		Thomas Hunt,†	11		Philadelphia,		Bilboa,		Sugars, coffee, cocoa, tob.		Richard Gernon,	V. Gomez de la Tor		28 March,	Priv. sch. of Brest,	Vigo,	9 April,	6,000	5,960	Condemned 1 October.
101	Brig Jane,	108	Nathl. Knight,	8		Boston,	Boston,	Lisbon,		Beef, pork, but. lard, tar,	Gregory and Pickard,	Gregory and Pickard,		† Lat. 40, lon. 13 fr. Par.	6 April,	Corageux of Bor.	Pasages,	10 April,			Condemned at Bayonne.
102	Ship Fox,§		Richard Penniston,	4		Philadelphia,	Charleston,	Bilboa,		Tob. cotton, and H. sugars,	Morgan & Price & oth.	Morgan and Price,	R. Andrews, supercar.	Near C. Machicacao,	8 April,						Violation of territory.
103	Ship Hope,		George Hastie,	11		Philadelphia,		Barcelona,	Santander,	Ballast,				1½ mile from Tarifa,	21 April,	2 privateers,	Algeziras,				

* The captain obtained a written permit from the gouverneur of Cadiz to put on board guns for defence—the permit taken from him by the same gouverneur in October.

† Kept a close prisoner for six days on board, without being permitted to correspond with any body; he then agreed to ransom the vessel for 30,000 dollars of the U.S. on condition of obtaining the consent of the consignee.

‡ The captain kept on board three days without being permitted to go on shore—the 14th April, the master and crew turned out of the vessel.

§ Had no commission as a letter of marque, not being intended to visit the commissioned privateers of any of the belligerent powers, but only to keep off uncommissioned armed boats.

GENERAL REPORT of such Vessels of the United States as have been taken and brought into the Ports of His Catholic Majesty, in Europe and Africa, by the SPANIARDS, since the 1st day of October, 1796.—Continued.

No.	Name of Vessel.	Tons burden.	Name of Master.	Seamen.	Guns.	To what port be- longing.	Whence clear'd out, U. S.	To what port bound.	Places touched at.	Cargo.	Owners of Cargo.	Owners of Vessel.	Consignees.	Where or in what latitude taken.	When taken.	By whom taken.	To what port con- ducted.	Arrival.	Val. res. dols. U.S.	Val. carg. dols. U.S.	
9	Ship Columbus,		John Cook,				Boston,	Malaga		Cod fish,					4 March,		Algeziras,				Cl. and sailed 7 March.
10	Ship Veneris,		Henry Dowriel,				Boston,	Marseilles,	Cadiz,	Coffee, flour, tob. staves,					11 March,		Algeziras,				Disappeared same night.
11	Schooner Samuel,		James Blake,				Boston,	Malaga,		Cod fish,					11 March,		Algeziras,				Cl. and sailed 15 March.
12	Ship Sarah,		Thomas Hopkins,				Boston,	Alicante,		Staves, flour, iron, tallow,			Jos. Wilkes, superc		29 March,		Algeziras,				Cl. and sailed 31 March.
13	Brig Hawke,		Jonathan Hall,					Tangier,	Lisbon,	Cheese, cod fish, bale gds.					1 April,		Algeziras,				* Cl. and sailed 26 Aug.
14	Ship Palishore,		Stephen Mumain,					Genoa,	Cadiz,	Sugars, cotton,					15 April,		Algeziras,				Cl. and sailed 20 April.
15	Brig Pacific,		Shubal Dunham,			Boston,		Lisbon,	Havre de Grace,	Dry goods,	S. Dunham & others,					P. Bolero, of Vigo	Vigo,			Condemned.	
16	Ship Venus,		Shields,			Baltimore,		Baltimore,	Marseilles,	Wines, brandy and oil,	D. Stewart and Sons,					Priv. St. Antonio,	Alicante,			Liberated.	
17	Brig Minerva,		David Bray,			Philadelphia,				Salmon and coals,					22 April,	Priv. of Tarifa,	Ceuta,			Condemned—appealed.	
18	Brig Maria,		Thomas Ringe,			New York,				Wines, sugars, fruit,	Benjamin Vail,		Benjamin Vail,	61. fr. Cape Finister,	23 April,	Priv. Venganza,	Vigo,			Cond. thrice, with costs.	
19	Snow Eliza,		H. Perry Benson,				Baltimore,	L'Orient,	Cadiz,	Flour,					23 April,		Algeziras,				Liberated, sail. 12 June.
20	Brig Commerce,		Golfink (George)			Wilmington,		Malaga & Barcel.		Flour,					23 April,		Algeziras,				Liberated, sail. 27 June.
21	Ship Levant,		David Fairchild,					Malaga,		Ballast,		Stephen Codman,	Grivegree and Co.		26 April,	Priv. of Tarifa,	Ceuta,			Condemned—appealed.	
22	Brig Friendship,		John Bolter,			Boston,		Barcelona,	Dunkirk,	Ballast,	Elias Nexden,	I. B. Blondeau,	Otto Frank and Co.	51. W. of Bayona, Sp.	2 May,	Priv. Atalante,	Vigo,			Condemned twice.	
23	Brig Fox,		David Norie,			New York,		Leghorn,	London,	Household furniture,	W. Seaman, of N. Y.	Lattry and Deall,		Near Bayona in Spain	4 May,	Priv. Venganza,	Vigo,			Condemned finally.	
24	Brig Delight,		John Purkett,							Lumber, wax,					13 May,	Priv. of Ceuta,	Ceuta,			Cleared.	
25	Brig Nancy,		John Le Bnsquet,			Boston,		Havre de Grace,	Lisbon,	Sugars, cotton, fruit,	B. Homans, jr. of Bos.		Benj. Homans, superc.		22 May,	P. St. Berna Rivo,	Rivadeo,	28 May,		Cl. pros. for damages.	
26	Brig Marianne,		Benjamin Peak,				New York,	Malaga,		Flour and staves,					11 June,		Algeziras,				Free, sailed 16 June.
27	Ship Eliza,		Elisha Turner,			Boston,		Leghorn,	London,	Tobacco, iron, bale goods,	Henry Preble,	Henry Preble,	Henry Preble,	Near Algeziras,	13 June,	Sn. Jos. & Sn. Ant.	Algeziras,		10,500	35,530	Condemned—in appeal.
28	Brig Marianne,		Peter York,					Malaga,		Flour,					24 June,		Ceuta,				Cleared, & sailed 2 July.
29	Schooner Martin,		Nathl. Williams,				Boston,			Cod fish, butter, &c.							Algeziras,				Prosecution for dam.
30	Ship Rachel,		Joseph Ropes,				New York,	Cadiz,		Rice, staves,					26 June,		Algeziras,				Cleared, sailed 17th.
31	Brig Anne,		Daniel Bythewood,				Philadelphia,	Cadiz,		Sugar, logwood,					27 June,		Algeziras,				Cl. sailed 26 Aug.
32	Schooner Samuel,		Shubal Coan,				Boston,	Malaga,		Cod fish,					6 July,		Algeziras,				Cl. sailed 20 July.
33	Snow Byfield,		Simon Kinsman,				Boston,	Alicante,		Butter, fish, pepper,					13 July,		Algeziras,				Cleared in October.
34	Ship Roanoak,		Ebenezer Pain,				S. Carolina,	Cadiz,	Newry, Bordeaux	Staves,					15 July,		Algeziras,				Cl. and sailed 8 Nov.
35	Ship Sussex,		Philip Atkins,			Philadelphia,		Lisbon or Cadiz,		Ballast,	T. S. & Miers Fisher,	T. S. & M. Fisher,		Off Cape Finister,	19 July,	Priv. Guerrero,	Pontevedra,			Cond. twice—in appeal.	
36	Schooner Nancy,		Job Palmer,					Malaga,		Flour, fish,					20 August,		Algeziras,				Cleared, sailed 15 Oct.
37	Brig Harriot,		Edward Slocum,				Virg.	Malaga,		Rice, flour, cocoa,					24 August,		Algeziras,				Cleared, sailed 10 Sept.
38	Schooner John,		Nehem. Roundy,				Charleston,	Cadiz,		Cod fish,					26 August,		Algeziras,				Cleared, sailed 18 Oct.
39	† Brig Elizabeth,		§ Silvester Wilson,			New York,		Lisbon,	|| Flushing in Zea.	Ballast,		William Johnson,		Coast of Portugal,	24 Sept.	¶ Pr. Galgo, of B.	Bayona, Sp.			Cond. app. abandoned.	
40	Schooner Raven,		Amb. P. Martin,					Marblehead,	Malaga,	Wines, brandy, raisins,					4 October,		Algeziras,				Cleared, sailed 10 Oct.
41	Schooner Winthrop,		William Doliver,					Gloucester,	Malaga,	Wines, brandy, raisins,					4 October,		Algeziras,				Cleared, sailed 10 Oct.
42	Ship Newport,		Henry Tew,				Philadelphia,	Algiers,		Stores,					20 October,		Algeziras,				Cleared, sailed 26 Oct.
43	Ship Birmingham,		Ezra Pearce,				Baltimore,	Cadiz,	Gibraltar,	Sugar, coffee, cocoa, pep.					19 Nov.		Algeziras,				Cleared.
44	Brig Mary,		Tim. Gardner,					Algeziras,		Hides,					2 Dec.		Algeziras,				Cleared.
45	Brig Alert,		Benjamin Rich,			Boston,		Leghorn,		Sugars, coffee and tobac.					21 Feb. '98	Gun boats,	Algeziras,				Cleared.
46	Brig Zephyr,		Henry Elkins,			Boston,		Leghorn,		Fish and Havana sugars,					13 April,	Priv.	Algeziras,				Cleared, sailed 18 Oct.
47	Brig Minerva,	157	William Riddle,			Boston,				Pot & pearl ash, oil, logw.	Greg. & Pickard, &c.	Elijah Dix,	John Lindsey & Co.	Lat. 43, lon. 33, 11,	1 Sept.	Let. mar. Bolante,	Rivadesella,	11 Sept. '98	3,500	30,000	Part cargo cond. app.
48	Ship Negotiator,	311	Charles Lindegreen,			Boston,				Sundry art. merch. & bal.		David Dehon,			8 Oct.	Pr. St. Mich. Vigo,	Muros,			Condemned, in appeal.	
49	Schooner Speedwell,		John Story,					Cadiz and Balt.	Nantes,	Sherry wine,			Grivegree and Co.		15 April, **	Priv. of Cuta.	Ceuta,			in appeal.	
50	Ship Washington,		Francis Roberts,	25	8	Boston,	Boston,	Malaga & Alic.		Fish, sugar, salmon,					1 Feb. '99	Gun boats,	Algeziras,				Detained, cl. 26 Sept.
51	Snow Commerce,		Henry Danglois,			Boston,		Genoa,	Greenland,	Cod fish,					15 Nov. '96,		Algeziras,				French in co. cond.
52	Brig Paramaribo,		George Creed,			Baltimore,	Baltimore,	++ Cadiz,		Tobacco,	The King of Spain,	Bernard Lacoste,			28 July, '97,		Algeziras,				French in co. cl. by S.
53	Schooner Debonnaire,		Charles Parsons,			Boston,	Boston,	Malaga,		172,428 lb. rice,	Eben. Parsons,	Eben. Parsons,		Cape Trafalgar,	3 Aug. '97,		Algeziras,				French in co. cond.
54	Ship Hunter,		William Whitlock,			New York,	New York,	Genoa, Mars.		Oil, nankeens, logwood,	Frankl. Robinson & Co.	Franklin, Rob. & Co.	Don Jos. Lop. Dias,	Straits of Gibraltar,	12 Mar. '98,		Algeziras,		18,000	92,000	French in co. compound.
55	Schooner Success,		Samuel Shaw,			Boston,	Boston,	Malaga,		Tobacco, beans, staves,		Samuel Shaw,			17 Ap. '98,		Algeziras,				Fr. in co. turned over to F.

* Cargo condemned, appealed and obtained, a royal order to restore the vessel and cargo; vessel sailed 26 Aug. '97, but a considerable part of the cargo was stolen while under the lock of the tribunal. † Chartered at Bourdeaux, in March, 1797, for a voyage to Lisbon. ‡ American built—taken in the West Indies, where she obtained a British register. In London was bought by Capt. W. Johnson, of New York, who received from the American Consul there, Mr. Johnson, a certificate of the property—there was also a passport from V. C. Coffin, at Dunkirk; and with these papers Capt. W. navigated for 18 months, without interruption either in England, France, or Holland. § The brig Elizabeth having been condemned at Pontevedra, the captain appealed to the council of war, and after 1 had expended about 500 reals at his request, he abandoned the suit, and left the country without reimbursing me. M. Y. || Sailed thence for Lisbon on the 23d August, 1797. ¶ They robbed captain Wilson of his watch and money, and confined him for 15 days on board his own vessel, in the harbour of Bayona. ** In the latter end of April a gale of wind obliged her to part her cable, and go to Malaga, where the consignee obtained a royal order that the owner of the privateer give security in \$3000 for the result in the council of war. † First stop by the British blocking squadron, and prevented from entering Cadiz.—Then on the way to Malaga, taken possession of by a Spanish and afterwards by a French privateer, and sent into Algeziras.

MADRID, October 1, 1799.

Imperfect as this report is, it contains all the information I have been able to obtain.

(Signed)

M. YOUNG.

ABSTRACT of the Cases of Capture of American Vessels by Spanish Cruisers, and others under Spanish authority, subsequent to the late Treaty with that government, of which complaint has been made to the government of the United States.

<i>Vessels.</i>	<i>Names.</i>	<i>Of what port.</i>	<i>Masters.</i>	<i>Owners.</i>	<i>Voyage.</i>	<i>Burden.</i>	<i>Cargo.</i>	<i>When taken.</i>	<i>Capturing Vessel.</i>	<i>Port carried into.</i>	<i>Sentence.</i>	<i>Observations.</i>
Sloop	Scrub	Middleton, Con.	John Russell	Benjamin Williams	From Kingston to Havana		Rum, negroes and specie	30 April, 1797	French schooner Revenge	Havana		This vessel being taken within the territorial limits of Spain, application for restitution was made to the governor of Havana, who refused to restore her.
Ship Schooner	Beaver Marcus		Robert Moore Samuel Moody	George Tyson John M. Moody and others	From Jamaica to the Spanish Maine From Luce in Jamaica to Bath		Rum and sugar	24 August, 1799 17 May, 1799	French schooner Bonaparte Schooner Fortune	Campeachy		Vessel sold at auction, by order of the Spanish government, before a legal trial was had, as stated by the owners.
Ship Brigantine Sloop	Hercules Atalanta Rainbow	Newport, R. I. Boston, Charleston	C. Henry Hudson Samuel Taylor	Gibbs and Channing Daniel Sergt. and Son William Cook	From Newport to Leghorn From Boston to Leghorn From Charleston to New Orleans		Sugar, tea and nankeens Dry goods, household fur.	18 Aug. 1800 22 Aug. 1801	Spanish zebeck	Algeziras Carthagen Havana	Condemned Condemned	Forcibly seized and detained at Havana by the officers of the customs.
Schooner Ship Ship	Sewell South Carolina Columbus	Charleston Charleston New York	Charles Ronewell Paul Post James Woods	Joshua Hargraves Tunno and Price	From Charleston to Bay of Honduras From Charleston to Leghorn From Cadiz to Havana			25 July, 1800 24 June, 1800	1 French and 4 Spanish privateers French schr. called Rights of Man	Vera Cruz Palma Navitas	Condemned	The vessel, as appears by the protest of the supercargo, was anchored near a Spanish fort, and placed under a Spanish guard, but was forcibly taken by the captors from the guard, and fired, and thereby was totally consumed.
Ship	Prudence	Boston	William Rogers	Thomas Walter	From Boston to Kingston		Fish and lumber	6 May, 1801	Spanish coaster	Cabannos		Vessel and cargo liberated, but without compensation for loss and detention.
Ship Ship Brigantine	Stag President Celia	Norfolk New Bedford, Dighton, Mas.	Thomas Dutton Andrew Pinkham Aaron Dean	Thomas Dutton,	From Kingston to Savannah From New York to Gibraltar From Dighton to Havana		Negroes Flour, principally Provisions and lumber	13 April, 1798 30 March, 1801 28 Dec. 1799	French and Spanish schr. Maria	Peurto Cavello Algeziras Mantanzas	Condemned	For being destined to Gibraltar. Vessel and cargo abandoned to the captors under circumstances of violence.
Brigantine Ship Brigantine	Greenwich Orion Franklin	Newport New York Wilmington, (D.)	Edward Landers John Farmer Andrew Morris	A. Crary and Son Farmer and Patrick	From Newport to Havana		Provisions, dry goods Sugar, pimento, cochineal	18 Dec. 1799 18 Oct. 1800 16 June, 1799	Schooner Maria Spanish brigantine La Fluka Schooner Bonaparte	Mantanzas Vigo Campeachy	Condemned	Vessel and cargo also abandoned. The captain and crew imprisoned and ill treated. The commission of the privateer, which was granted by the French agent Houdeville, had expired more than a month previous to the capture.
Brigantine	Nancy	Baltimore	Philip Arenberg		From Vera Cruz to Baltimore		Cochineal, sugar, specie		The same	Campeachy		Vessel and cargo ordered to be sold, and the proceeds to be applied agreeably to the final sentence in this case.
Schooner Schooner	Nancy Lydia	Charleston Baltimore	Foss		From Charleston to Havana		Rum	28 June, 1800 24 Sept. 1797		Mantanzas Trinidad		After a detention of seven months, during which time a trial was pending, it was decreed by the court that the vessel and cargo be restored. The captors appealed. The vessel, however, was finally restored, but in such a decayed situation as rendered her of little value.
Schooner	Nymph	New York	Raymond		From L'ancevaux to New York		Flour, soap, provisions		Spanish privateer St. Joseph	Navitas		A suit was instituted against the captors, and a decree obtained for the amount of the vessel and cargo, to be had of the captors, who were totally unable to pay.
Brigantine Brigantine	Maria Little John Butler	Philadelphia Philadelphia	Hardie James Smith	Reed and Ford,	From Philadelphia to Leghorn From Philadelphia to Havana			23 July, 1801 17 Aug. 1799	Spanish gun boats Privateer Bayornorse	Algeziras Porto Rico		Commission of the privateer had expired before the capture.
Schooner Sloop	Brothers Commerce	Annapolis New London	William Fairfield	James Williams,	From Annapolis to Havana From Jamaica to New London		Provisions, dry goods	28 Dec. 1799	Schooner Maria	Mantanzas Campeachy		This vessel was not condemned in pursuance of a trial, but sold by order of the governor of the province, and the proceeds deposited in the treasury, in order, as was said, to be paid over if a decree to that effect should be obtained in the proper tribunal.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS, DEC. 15, 1802.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE U. STATES.

WHEN we assemble together, fellow citizens, to consider the state of our beloved country, our just attentions are first drawn to those pleasing circumstances which mark the goodness of that Being from whose favour they flow, and the large measure of thankfulness we owe for his bounty ; another year is come around, and finds us still blessed with peace and friendship abroad ; law, order, and religion at home ; good affection and harmony with our Indian neighbours ; our burdens lightened, yet our income sufficient for the publick wants, and the produce of the year great beyond example. These, fellow citizens, are the circumstances under which we meet : and we remark, with special satisfaction, those which, under the smiles of Providence, result from the skill, industry, and order of our citizens, managing their own affairs in their own way, and for their own use, unembarrassed by too much regulation, unoppressed by fiscal exactions.

On the restoration of peace in Europe, that portion of the carrying trade, which had fallen to our share during the war, was abridged by the returning competition of the belligerent powers. This was to be expected, and was just. But, in addition, we find in some parts of Europe, monopolizing discriminations, which, in the form of duties, tend effectually to prohibit the carrying thither our own produce in our own vessels. From existing amities, and a spirit of justice, it is hoped that friendly discussion will produce a fair and adequate reciprocity. But should false calculations of interest defeat our hope, it rests with the legislature to decide whether they will meet inequalities abroad with countervailing inequalities at home, or provide for the evil in any other way.

It is with satisfaction I lay before you an act of the British Parliament, anticipating this subject, so far as to authorize a mutual abolition of the duties and counter-vailing duties, permitted under the treaty of 1794. It shews on their part a spirit of justice and friendly accommodation, which it is our duty and our interest to cultivate with all nations. Whether this would produce a due equality in the navigation between the two countries, is a subject for your consideration.

Another circumstance which claims attention, as directly affecting the very source of our navigation, is the defect, or the evasion of the law providing for the return of seamen, and particularly of those belonging to vessels sold abroad. Numbers of them, discharged in foreign ports, have been thrown on the hands of our consuls, who, to rescue them from the dangers into which their distresses might plunge them, and save them to their country, have found it necessary, in some cases, to return them at the publick charge.

The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the legislature connected with that subject.

There was reason, not long since, to apprehend that the warfare in which we were engaged with Tripoli might be taken up by some other of the Barbary powers. A reinforcement, therefore, was immediately ordered to the vessels already there. Subsequent information, however, has removed these apprehensions for the present. To secure our commerce in that sea, with the smallest force competent, we have supposed it best to watch strictly the harbour of Tripoli. Still, however, the shallowness of their coast, and the want of smaller vessels on our part, has permitted some cruisers to escape unobserved : and to one of these an American vessel unfortunately fell a prey. The captain, one American seaman, and two others of colour, remain

prisoners with them; unless exchanged under an agreement formerly made with the Bashaw, to whom, on the faith of that, some of his captive subjects had been restored.

The convention with the state of Georgia has been ratified by their legislature, and a re-purchase from the Creeks has been consequently made, of a part of the Talassee country. In this purchase has been also comprehended a part of the lands within the fork of Oconee and Oakmulgee rivers. The particulars of the contract will be laid before Congress so soon as they shall be in a state for communication.

In order to remove every ground of difference possible with our Indian neighbours, I have proceeded in the work of settling with them, and making the boundaries between us. That with the Choctaw nation is fixed in one part, and will be through the whole within a short time. The country to which their title had been extinguished before the revolution is sufficient to receive a very respectable population, which Congress will probably see the expediency of encouraging, so soon as the limits shall be declared. We are to view this position as an outpost of the United States, surrounded by strong neighbours, and distant from its support. And how far that monopoly, which prevents population, should here be guarded against, and actual habitation made a condition of the continuance of title, will be for your consideration. A prompt settlement too of all existing rights and claims within this territory, presents itself as a preliminary operation.

In that part of the Indiana territory which includes Vincennes, the lines settled with the neighbouring tribes fix the extinction of their title at a breadth of twenty-four leagues from east to west, and about the same length, parallel with and including the Wabash. They have also ceded a tract of four miles square, including the Salt Springs, near the mouth of that river.

In the department of finance, it is with pleasure I inform you that the receipts of external duties, for the last twelve months have exceeded those of any former year,

and that the ratio of increase has been also greater than usual. This has enabled us to answer all the regular exigencies of government, to pay from the treasury, within one year, upwards of eight millions of dollars principal and interest, of the publick debt, exclusive of upwards of one million paid by the sale of bank stock, and making in the whole a reduction of nearly five millions and an half of principal, and to have now in the treasury four millions and an half of dollars, which are in a course of application to the further discharge of debt, and current demands. Experience, too, so far, authorizes us to believe, if no extraordinary event supervenes, and the expenses which will be actually incurred shall not be greater than were contemplated by congress at their last session, that we shall not be disappointed in the expectations then formed. But nevertheless as the effect of peace on the amount of duties is not yet fully ascertained, it is the more necessary to practise every useful economy, and to incur no expense which may be avoided without prejudice.

The collection of the internal taxes having been completed in some of the states, the officers employed in it are of course out of commission. In others they will be so shortly; but in a few, where the arrangements for the direct tax had been retarded, it will still be some time before the system is closed. It has not yet been thought necessary to employ the agent authorized by an act of the last session, for transacting business in Europe relative to debts and loans. Nor have we used the power, confided by the same act, of prolonging the foreign debt by re-loans, and of redeeming, instead thereof, an equal sum of the domestick debt. Should however the difficulties of remittance on so large a scale render it necessary at any time, the power shall be executed, and the money thus unemployed abroad shall, in conformity with that law, be faithfully applied here in an equivalent extinction of domestick debt. When effects so salutary result from the plans you have already sanctioned, when merely by avoiding false objects of expense, we are able, without a direct tax, without internal

taxes, and without borrowing, to make large and effectual payments towards the discharge of our publick debt, and the emancipation of our posterity from that mortal canker, it is an encouragement, fellow citizens, of the highest order, to proceed as we have begun in substituting economy for taxation, and in pursuing what is useful for a nation placed as we are, rather than what is practised by others under different circumstances. And whensoever we are destined to meet events which shall call forth all the energies of our countrymen, we have the firmest reliance on those energies, and the comfort of leaving for calls like these the extraordinary resources of loans and internal taxes; in the mean time, by payments of the principal of our debt, we are liberating, annually, portions of the external taxes, and forming from them a growing fund, still further to lessen the necessity of recurring to extraordinary resources.

The usual account of receipts and expenditures for the last year, with an estimate of the expenses of the ensuing one, will be laid before you by the Secretary of the treasury.

No change being deemed necessary in our military establishment, an estimate of its expenses for the ensuing year, on its present footing, as also of the sums to be employed in fortifications, and other objects within that department, has been prepared by the Secretary at War, and will make a part of the general estimates which will be presented you.

Considering that our regular troops are employed for local purposes, and that the militia is our general reliance for great and sudden emergencies, you will doubtless think this institution worthy of a review, and give it those improvements of which you find it susceptible.

Estimates for the naval department, prepared by the Secretary of the Navy for another year, will in like manner be communicated with the general estimates. A small force in the Mediterranean will still be necessary to restrain the Tripoline cruisers: and the uncertain tenure of peace

with some other of the Barbary powers may eventually require that force to be augmented. The necessity of procuring some smaller vessels for that service will raise the estimate: but the difference in their maintenance will soon make it a measure of economy.

Presuming it will be deemed expedient to expend annually a convenient sum towards providing the naval defence which our situation may require, I cannot but recommend that the first appropriations for that purpose may go to the saving what we already possess. No cares, no attentions, can preserve vessels from rapid decay, which lie in water, and exposed to the sun. These decays require great and constant repairs, and will consume, if continued, a great portion of the moneys destined to naval purposes. To avoid this waste of our resources, it is proposed to add to our navy yard here a dock, within which our present vessels may be laid up dry, and under cover from the sun. Under these circumstances experience proves that works of wood will remain scarcely at all affected by time. The great abundance of running water which this situation possesses, at heights far above the level of the tide, if employed as is practised for lock navigation, furnishes the means for raising and laying up our vessels on a dry and sheltered bed. And should the measure be found useful here, similar depositories for laying up, as well as for building and repairing vessels, may hereafter be undertaken at other navy yards, offering the same means. The plans and estimates of the work, prepared by a person of skill and experience, will be presented to you without delay, and from these it will be seen that scarcely more than has been the cost of one vessel is necessary to save the whole, and that the annual sum to be employed towards its completion may be adapted to the views of the legislature as to naval expenditure.

To cultivate peace and maintain commerce and navigation in all their lawful enterprises; to foster our fisheries as nurseries of navigation and for the nurture of man, and protect the manufactures adapted to our circumstances;

to preserve the faith of the nation by an exact discharge of its debts and contracts, expend the publick money with the same care and economy we would practise with our own, and impose on our citizens no unnecessary burdens; to keep in all things within the pale of our constitutional powers, and cherish the federal union, as the only rock of safety; these, fellow citizens, are the landmarks by which we are to guide ourselves in all our proceedings. By continuing to make these our rule of action, we shall endear to our countrymen the true principles of their constitution, and promote an union of sentiment and of action, equally auspicious to their happiness and safety. On my part you may count on a cordial concurrence in every measure for the publick good; and on all the information I possess which may enable you to discharge to advantage the high functions with which you are invested by your country.

TH: JEFFERSON.

December 15, 1802.

DOCUMENTS

RELATIVE TO THE BARBARY POWERS, ACCOMPANYING THE
COMMUNICATION OF THE PRESIDENT OF THE UNITED
STATES TO BOTH HOUSES OF CONGRESS, DECEMBER 15,
1802.

*Extract of a Letter from James L. Cathcart, Esq. Consul
of the United States of America at Algiers, to the Secre-
tary of State, dated at Leghorn, July 2, 1802.*

“THE King of Sweden has protested the bills drawn by Mr. Tornquist to the amount of two hundred and forty thousand dollars, the sum promised by him to the Bashaw of Tripoli as the price of peace, and that he has resolved to repel the demand for an annuity of twenty thousand dollars by force of arms, and will send a squadron against

Tripoli as soon as he has settled his affairs with Great Britain.

“Many of our merchants and captains dispute the consul’s authority to detain their vessels in port, notwithstanding the national consequences of their capture being fully explained to them. I therefore presume that this point merits the immediate determination of government, and that positive instructions ought to be given to all consuls in the Mediterranean, in order that they may know whether they have power to retain the vessels of their nation in port, as the consuls of all other nations have, or whether they are to permit them to sail after being informed of war being declared against us by any of the Barbary States.”

Extract from Mr. Letter to Mr. Cathcart dated at Tripoli from the 12th March, to the 30th April, 1802.

TRIPOLI, MARCH 12, 1802.

“THE Bashaw expects the frigate, formerly commanded by Murad Raiz and blockaded by the ships of the United States at Gibraltar, from Tangier, with a cargo of corn, having sent an ambassador to solicit the favour from the Emperor of Morocco.”

“Twenty-eighth, was launched a Zebeck of 14 guns, which is to be fitted out as a cruiser.”

“The Bashaw had taken the opinion of his counsellors in writing relative to the American war: only three were opposed to it. Side Mahomet Daguize, the Grand Kaya, and another whom I do not know.

“On the arrival of the American frigates before Tripoli, the Bashaw began to reflect on the advice he had received, now the scene is changed, Murad Raiz the chief promoter of the war is in very low estimation; his companion Raiz Squsy has literally drank himself into the other world about a month ago, and Murad was in a fair way to follow him when a little recollection made him abstain from liquor some days.”

“April 22. It is currently reported, that the Bashaw intends to fit out five cruisers, three quarter galleys, a guerlingwich or polacre that returned from a cruise with a prize a few days ago, and a zebeck.”

“April 30. I have to inform you that two quarter galleys of twenty-eight oars and four carriage guns and four swivels, manned with from fifty to sixty men each, one commanded by Raiz Halifa, and the other by Raiz Osman Candisto, are ready to sail upon a cruise.”

*Extract of a Letter from Mr. _____ to Mr. Cathcart,
dated at Tripoli, May 10, 1802.*

“ON the evening of the 1st inst. the consuls were summoned to the castle, when the Bashaw in the presence of the two Swedish officers stated the treatment he had received from Sweden *since* the conclusion of Tornquist's treaty, and compared his treatment to them *since* that period, and ended his observations, by asking if he had not sufficient reason to declare war against that nation, and then solemnly declared that he never intended to enter into another treaty with Sweden. War was to be declared the next day, nevertheless it was postponed to the 5th inst. in hopes that by continuing the negotiation an accommodation would take place, but the admiral would not listen to any terms but those he proposed which was as follows: ‘The Swedish prisoners to be liberated without ransom; peace to be established without paying any consideration whatever for it as presents or otherwise, upon the same terms as it was before the declaration of war in 1800.’ The admiral alleged, the Bashaw, having captured Swedish property to a considerable amount, could not possibly have any claim against Sweden.”

“I know the Bashaw of Tripoli has made an effort to conclude a treaty with the United States of America through the medium of Algiers, and I am very much mistaken, if there are not at this moment other plans under consideration, as several of the Bashaw's adherents endeavour to gain his confidence by suggesting them.”

“ On the night of the 19th inst. departed two Galliot (quarter galleys) to cruise along shore; it is said they are in quest of some American vessels that are at Susa.”

Extract of a Letter from James Leander Cathcart, Esq. Consul of the United States of America at Algiers, to the Secretary of State, dated at Leghorn, July 4, 1802.

“ You will please to observe that the cruisers of Tripoli have been frequently at sea since the war commenced, and thence conceive the danger our merchant ships have been exposed to. From the returns of our consuls you will be informed of the extent of our commerce in this sea, which never was so valuable, as it was at the period and since the Bashaw of Tripoli commenced hostilities. I have seen twenty-four sail of American vessels in this port at once last year, two-thirds of whom were unarmed. Can the wisdom of government devise no means either to prevent the cruisers of Tripoli from putting to sea, or our merchant ships from passing up the Mediterranean unarmed and without convoy; is it not possible to prohibit them, (for their own sakes) from coming past Gibraltar unless armed sufficiently to defend themselves when three or four are together, or under convoy of some of our ships of war.”

“ The Bashaw of Tripoli seems disposed to enter into a treaty with us, but upon what terms he has not yet declared. Mr. Eaton informs me, that a proposition of peace on the part of the Bashaw of Tripoli came through the Bey of Tunis, when it was proposed that the latter should be mediator and guarantee. Mr. Eaton answered that we prefer peace to war, when we can obtain it upon honourable terms, but not otherwise.”

From No. 9, dated at Leghorn, July 15, 1802.

“ ON the 10th instant, Mr. Appleton and myself endeavoured to dissuade the masters of vessels, now in port, from sailing until some of our frigates or those of Sweden arrive to take them under convoy, but without effect. They seem at present, as they ever have seemed, intent upon gain only, without properly appreciating the risk.”

CIRCULAR.

[COPY.]

ALGIERS, JUNE 26, 1802.

“ THIS morning arrived a Tripoline corsair, and with her a prize, the Philadelphia brig Franklin, captain Morris, who sailed from Marseilles the 8th instant, and was captured the 15th instant adjacent to Carthagera, and another American brig, which was in company got off.

“ On the morning of the 21st instant I saw three leagues east of Algiers another Tripoline cruiser with a brig in her possession standing to the eastward, which I take to be an American vessel—I am trying on what terms I can obtain the ransom of captain Morris and crew in all nine, and if possible afterwards shall see on what conditions I can get the brig and cargo.

“ It is a fact that there is at sea at present six sail of Tripoline cruisers; and it is asserted, that the frigates of the United States and those of Sweden are blockading Tripoli.” Sir, I am, &c.

(Signed)

RICHARD O'BRIEN.

“ By comparing this with Mr. Nordeling's letter it would appear, that more cruisers than the two galleys are out; but I can hardly believe it possible, that they could evade the diligence of two squadrons, or that they have enterprize to attempt it without any thing but row-boats such as the galleys.

“ Mr. Cathcart, it is reported, heard (but not authenticated by official authority) that lieutenant Sterrett, in the Enterprize, has re-captured a Swede. God send it may be true.”

Extract of a Letter from Andrew Morris, captain of the brig Franklin, to James Leander Cathcart, Esq. Consul of the United States, &c. &c.—dated at Tripoli, July 22, 1802.

I TAKE this early opportunity to inform you of my capture. I sailed with the brig Franklin belonging to Mess:

Summerl and Brown of Philadelphia from Marseilles, with an assorted cargo for the West Indies, on the 8th ultimo, and on the night of the 17th following, then off Cape Palos, was boarded by one of three Tripoline corsairs mounting four carriage and four swivel guns, that sailed from this place on or about the 20th May.—I shall pass over the occurrences of that night, as you are well acquainted with the conduct of these barbarians towards the unfortunate that fall into their hands. They proceeded with the prize to Algiers, where we arrived the 26th, and as I conjecture by the representations of Mr. O'Brien, they were obliged to make a hasty retreat on the 27th following, but not without giving me an additional load of chains. What with calms and contrary winds, we did not reach Biserta in the neighbourhood of Tunis until the 7th inst. where, after a tarry of five days, we departed, leaving the brig there in charge of their agent, and arrived here on the 19th inst. Through the interference of Mr. Nissen, his Danish Majesty's consul here, I have the liberty of the town, and by a lucky event a Mr. Bn. M'Donough has claimed my two officers and one seaman, and has obtained their release as British subjects: two more that were foreigners which I reported as passengers has likewise been liberated; so that they have only myself and three seamen captives. You will readily agree with me that this will lessen the value of the capture to the Bey.

The three galliots are now all in port, they are to sail immediately; it is said Murad Raiz, alias Lisle, is to go in one of them, or in a small Italian polacre of 12 guns."

Extract of a Letter from William Eaton, Esq. Consul of the United States of America at Tunis, to the Secretary of State, dated at Tunis, December 13, 1801.

"ON the 28th arrived the Danish Commodore Koefied and a Consul Holch, five days from Leghorn. The evening of the 2d ult. they passed at the American House. As

the Commodore had lately been at Tripoli on a negotiation, it was very natural to inquire of him what seemed to him to be the general sentiment of the Tripolines respecting the American war. He said that it was very unpopular, and that the subjects of the Bashaw, chiefly on this account, were ripe for a revolt: they waited for nothing but succour.

“ They clamour against the madness and oppression of their chief, say he makes war on his friends to the destruction of their little commerce, takes all the plunder to himself, and in the issue reduces them to starvation and the loss of their friends, without allowing them the wretched consolation to mourn for those friends when slain; he forbade the surviving relations to mourn for Sterrett's dead. They almost unanimously desire the restoration of their rightful sovereign, who is a mild man of peaceable dispositions.”

Extract of a Letter from Richard O'Brien, Esq. Consul of the United States of America at Algiers, to the Secretary of State, dated at Algiers, Feb. 1, 1802.

“ THE Algerine ministry on the 20th January proposed to me, that now as the Tripoline ambassador was here, to settle or arrange with Tripoli, the same time alluded that a little money would be required—I answered I had no orders on this subject, and that I was convinced that the United States would never give any; that we had sufficient of the bad faith of Tripoli. I considered this hint or proposition in order to feel my pulse, to know if I had orders or latitudes.”

Extract of a Letter from William Eaton, Esq. Consul of the United States of America at Tunis, to the Secretary of State, dated at Leghorn, Feb. 3, 1802.

“ IT may not be improper to mention here, that Thursday, 17th December, lat. 39, 45, spoke snow Fox, of Bos-

ton, from Naples, bound to Messina, with very few men, and no guns. The Mediterranean is covered with this kind of adventurers. If individuals will neither have regard to their own safety, nor the general interests of the United States, should not the government interdict this loose manner of hazarding both by legal prohibitions to commerce here without convoy? One single merchantman's crew chained at Tripoli, would be of incalculable prejudice to the affairs of the United States in that regency."

Extract of a Letter from Richard O'Brien, Esq. Consul of the United States of America at Algiers, to the Secretary of State, dated at Algiers, June 14, 1802.

"ON the evening of the 10th inst. arrived here two Tripoline corsairs, and this morning they sailed for the coast of Spain, in search of Americans and Swedes. These two corsairs are two row galleys, with three lateen sails, each having four guns; one a crew of forty men, the other of thirty-five. They are well calculated for rowing and boarding vessels in calms, or light winds. They say they are about twenty days from Tripoli, sailed with three others; and those two has coasted it down the Barbary coast to Algiers."

"June 26. This morning at 6 A. M. entered the port of Algiers, a Tripoline corsair, and with her the American brig Franklin, Captain Morris, of Philadelphia, with his crew, nine persons, in chains, on board the Tripoline corsair. The Tripoline corsair had her colours flying at each mast head, and kept firing guns. The same time, under her prow was hoisted the American flag reversed—all this I have seen with my own eyes. On this I went to the marine, to the general and minister for foreign affairs: told him, that as the treaty of the United States with Tripoli was under the guarantee of this regency, that if the Dey had not power or influence over the government or Bashaw of Tripoli; that the Dey had it now in his power,

and in his port, and under the eyes of the city, to do me the justice that he had pledged the faith and honour of the regency to do ; that I demanded in the name of the United States, the American brig and cargo, and crew, of this government ; that all was in their port with the Tripoline corsair, that had been supplied here from the 10th to the 14th of June, with all her wants, which enabled her to proceed to sea, and capture Americans

“ To this he answered that the regency’s guarantee was intended to be as a mediator, but not to use force ; that now the guarantee could not much be talked of ; that the United States had sent frigates to blockade Tripoli ; had taken last year a Tripoline corsair and crew, and let them go. If we had brought them to Algiers, and given them up to the Dey, that he would again settle our affairs with Tripoli with a little money or expense. To this I answered, that the Regency had been repeatedly solicited to use their influence before that hostilities had commenced ; that when Algiers had any business of their own, it was respected by Tripoli ; but when any affairs of the United States, I was told that Algiers had not power to command the government of Tripoli to act contrary to its interests ; that timid indeed would the United States be, knowing for eight months before it happened, that Tripoli intended a war of plunder on our commerce ; that we depended on this regency’s guarantee, but to give a greater security, we sent three frigates ; to shew our moderation, we let go the Tripoline corsair and crew ; that this circumstance the regency well knew of. Finally, he told me he could do nothing without first receiving the Dey’s orders ; that he would do in my favour all in his power. I had known that this said marine minister had encouraged the Tripolines from the 10th to the 14th of June, that if they took any prizes they might bring them into the ports of this regency, and dispose of them.”

“ I declared publicly that the regency’s conduct this day was a breach of faith, and of the treaty which they had made and guaranteed to the United States. I next

went to the prime minister, had stated to him every thing as I had to the marine minister ; he observed if the American frigates was not blockading Tripoli, that Algiers would give up the American brig, cargo, and crew, and send the corsairs of Tripoli out of their ports. That two years past, the Portuguese took an Algerine corsair that the Bashaw of Tripoli had got from the Portuguese, the corsair and crew, and sent both as a present to the Dey ; that this great favour to Algiers would be badly repaid by Algiers taking from the Tripolines the American cargo, brig and crew ; that our colours being reversed, was a custom of war ; that our corsairs could do the same by Tripoli when we took any of their vessels. I told him the favour rendered by Tripoli to Algiers had nothing to do with their guarantee of the treaty of the United States. That I demanded what was in the power of the regency to perform, and would not forget any service he would render me on this occasion."

" On the morning of the 27th June I went again to the minister of the marine, who informed me, that he had stated to the Dey the chief of what I said to him the day before ; that the Dey said Tripoli and the United States were at war ; that this finished his guarantee ; that the Dey did not think it to be right to take prisoners or prizes from the Tripolines to give to the Americans who were blockading Tripoli. That this was the Dey's answer ; that I might state it to my government. The same time that the Dey would admit of American corsairs to the same favours in his ports as he did to the Tripolines. I observed to this definitive answer of the Dey, I had not much more to say at present than what I had repeatedly stated ; that I would fully communicate the same to the government of the United States, and was sorry to observe that our treaty was only adhered to in such parts as was favourable to this regency, and in no respects in any manner to the advantage of the United States. He cautioned me to be prudent ; that it was well known to me that a little thing would irritate the Dey, and the

consequence would be serious ; that I well knew the terms the Dey had lately obliged the Spaniards to acquiesce in, and that both the British and French would soon share the same fate. I thanked him for his advice, and observed that it made no difference to the United States in what Spain acquiesced, or yet what the Dey would do against the British or French ; that I was convinced the government of the United States would with regret learn from facts, that Algiers was not the friend of the United States, but an evident friend of Tripoli. He observed that he did not believe that we or any christian nation would keep the peace with Algiers, if we found it more our interest to be at war. I told him that we knew our interest, and the same time would not sacrifice the honour of our nation under any consideration whatever—that the present time admitted of a favourable opportunity of him and the Dey, &c. to do me the just favour I required.”

“ The Prime Minister and Busnach, the Dey’s Jew broker, and in fact his principal director, went to the Dey at 2 P. M. on the day of the 27th of June, and stated all my arguments to the Dey—the same time I sent my dragoman to the Dey to request the favour to befriend me on the present occasion ; that nine of my countrymen was in chained captivity in his port, on board a Tripoline, with a prize, an American brig ; and that the corsair of Tripoli had the American flag reversed at the prow of said corsair ; that the same time the Dey was the guarantee of the treaty of the United States with Tripoli ; that if the Dey was not occupied, I should be happy to see him on this occasion.

“ The Dey answered that I need not come ; that he had the whole business in his mind ; and that I would shortly hear the result.

“ On this the Dey sends a messenger down to the marine, to the Vickelhedge or general of the marine, for him to call the Tripoline captain—that the Dey will purchase the nine Americans, brig, and cargo—that the Dey will give for these the sum of five thousand dollars, and that he would write to the Bashaw of Tripoli, that this he did,

and would remit him the money. After the Dey sent this message to the marine, the Dey went to his garden—the minister of the marine declared this message to the Tripoline captain, who said that he could only part with the American prisoners by force, having the Bashaw of Tripoli's orders; above all things, if he should take any Americans, to take care and land them at some of the out ports; that it was by having possession of them, that his master the Bashaw would find thereby means to bring the Americans to peace on Tripoline terms."

"At mid-day, on the 28th of June, being informed that several Moorish merchants were offering to purchase the brig Franklin and cargo from the captain of the Tripoline—On this information I went to the prime minister, and told him what I heard; he was very angry, said that the business should have been carried yesterday, agreeable to the Dey's orders, but that the business was in the hands of a lion (the Dey) and that the foxes were looking on, alluding to the Moorish merchants. Shortly after this I heard that the agent of Tripoli went to the Dey, and also the Swede dragoman; that the Dey got very angry, and ordered both the Tripoline corsairs and their prize, the American brig, to depart the port of Algiers directly. As they were getting under way, I went to the minister of the marine, and told him that this conduct of Algiers was as a friend to Tripoli, and not to the United States; that it was in his power to have done me justice, and that he neglected it. He said he was to obey the Dey's orders; that we should have kept a better look out, and not let the corsairs of Tripoli get out. I observed to this, that I was trying to remedy the evil, &c. Had I had his sincere assistance, the business would have been finished yesterday; that at present I had only to detail the whole affair to my government; the result he would be informed of; and that as Tripoli corsairs thus entered with American prizes into the ports of this regency, that certainly American frigates would frequent this coast, and difficulties would ensue. The Tripoline corsair, and brig Franklin, and

Captain Morris and crew, left Algiers on the 28th of June, at half past two in the afternoon, with a light westerly wind, destined to the eastward, I suppose for Bona or Tunis, where I hope they will meet one of our frigates. It seems now to be reduced to a certainty, that there is but those two Tripoline corsairs at sea."

COMMUNICATIONS FROM MOROCCO. ACCOMPANYING THE
PRESIDENT'S MESSAGE, OF DECEMBER 15, 1802.

Extracts of Letters from James Simpson, Esq. Consul of the United States, for Morocco, resident at Tangier, to the Secretary of State. From No. 35. Dated Tangier, January 8, 1802.

"AT this time, Muley Soliman has not a single vessel of war afloat; at Salle two frigates of about twenty guns are building, and may probably be launched next Spring, but he is in want of many stores for them ere they can be sent to sea. At Tetuan, they have lately patched up an old half galley, to carry two bow guns and fifty men, but, if I am to judge from her appearance last May, she is scarce fit to go to sea. This is all the navy.

"When Muley Soliman requested I would procure for his use the mentioned one hundred gun carriages, he particularly mentioned they would be paid for on delivery at this port, as advised in No. 33. I was in hopes Mr. Bulkeley might have been able to contract for them, payable in that way, but he acquainted me they must be paid for in Lisbon, and that he judged they might cost about three hundred and twenty mill rees each. Highly desirous of gratifying his majesty, and having no other means of providing for payment of these carriages, I proposed drawing for the sum, that might be required on account of my salary; this, I trust, at your side, will be admitted as a proof, that nothing in my power to do on this occasion has

been wanting, notwithstanding what the emperor and his ministers may suppose. Should government think well of making the Emperor of Morocco a present at this time, as a fresh proof of the friendship of the United States, (in the event of his continuing the peace uninterrupted, as I trust will be the case) these carriages in my opinion, would be more acceptable to him than any thing else; in that case it will be necessary to give Mr. Bulkeley directions respecting the payment of them. Should this measure be determined on, I would with due submission beg leave to recommend a letter being sent by the President to the Emperor on the occasion; especially as since recognition of the treaty in 1795, and his letter of the 18th August, that year, no direct communication whatever has been made to his Majesty on the part of the United States.

“The Tripoline ambassador or messenger came from thence so long ago, was permitted on Saturday last to proceed for Fez to meet the Emperor. This man’s business in this country is not precisely known, but will soon be, after he may have an interview with Muley Soliman.

“On Monday the 14th ult. the Bashaw sent for me, and after making his secretary and other attendants retire, he told me Muley Soliman was much displeased at my not having obtained for him the gun carriages he had commissioned, adding that the reasons I had alleged in my last letter to the Emperor on the subject, were by no means satisfactory, as they appeared to him to be merely excuses. Conscious that I had said nothing but what Mr. Bulkeley had written me, on the part of the carpenter at Lisbon, who had offered to contract to make these carriages, I felt perfectly easy on the occasion; and endeavoured to convince the Bashaw that the motive alleged for his Majesty’s displeasure was groundless, of which he at least seemed to be satisfied. He then said he was also instructed by his Majesty, to demand whether I was authorized to make him presents of moment from time to time. I answered, that by the treaty made between Sidy Mahomet and the United States of America, and confirmed by Mu-

ley Soliman, no stipulation whatever was made for my government making presents at any stated periods, of consequence that I was without any instructions on that subject.

“The Bashaw then told me, Muley Soliman looked upon the Americans as no better friends to him than the Dutch, and that I must consider myself in the same situation as their consul was at that day. Fully satisfied that the government of the United States had given the most ample and unequivocal proofs of friendship to Muley Soliman, I readily saw that this intimation must proceed either from errour, or that it was a prelude to his Majesty's making another attempt to get quit of the treaty of 1786, and obtain presents at stipulated periods. On this occasion I beg to refer you to the several letters I had the honour of addressing the Department of State, from Rhabat, between the 15th July and 18th August 1795, and to No. 55 of my Gibraltar correspondence, dated 24th September same year. By these you will see a strong attempt to effect this was at that time made, but that I had the happiness to overcome it, and obtain a recognition of that treaty, under well founded motives in appearance for believing Muley Soliman granted it from a full conviction of its being incumbent on him to do so. Bashaw Hackmawy having stated the American and Batavian governments as standing in the same predicament, in relation to this country, I did not allow him to quit that ground, until I had given him an ample detail of the very early attention the United States paid Muley Soliman, urging that in the choice of the articles chiefly composed their first present, they had given the strongest proof possible of the part they took in his Majesty's concerns at that interesting moment, and of their desire that he should overcome the opposition then actually making against his succession. It does not appear necessary to trouble you with all the other arguments at this interview, only to say that, having desired another, the Bashaw appointed the 16th in the evening. We accordingly met, and I laid before him in Arabic,

translation of the treaty of 1786, with a copy of the Emperor's letter, of 18th August 1795, to the President, confirming it; also lists of the first and second presents I delivered in the name of the United States to Muley Soliman, at Rhabat in 1795, and of that I had also the honour of delivering at Mequinez 1798, on the occasion of shewing his Majesty my commission as consul; he perused all these papers with attention, and assured me as in holding these conferences in private, he had given me a proof of his friendship, so I might depend upon experiencing a continuance thereof, and that he would report to his Majesty on the occasion. At this second interview not a syllable was said on my retiring from the country, neither have I to this hour heard any more on the subject."

From No. 37, dated at Tangier, February 20, 1802.

"I AM happy in saying that up to the present hour, I have not heard a syllable farther, relative to Bashaw Hackinawy's communications of 14th December; from which I draw a very favourable conclusion.

"The Tripoline went to the Emperor as ambassador, solicited some cargoes of wheat, and is gone to Rhabat with permission to load; but he certainly will not find vessels to charter whilst Tripoli continues blockaded. The Emperor having also been solicited to give his assistance towards getting the Tripoline brig, which lays at Gibraltar, sent home, consented to give a crew and provisions for that purpose. A few days ago the governour solicited from the Swedish consul and myself, in his Majesty's name, passports for her, which having convinced him it was not in our power to grant, under the actual situation of Tripoli, it was agreed we should write admiral Siderstrom and commodore Dale, on the subject, which has been done."

From No. 38, dated March 19, 1802.

"I CONFIRM that Muley Soliman has agreed to allow wheat to be sent from his country to Tripoli; but I should

think it will be next to an impossibility for them to find vessels to charter for that voyage, whilst that port is so notoriously known to be blockaded ; whatever may be done in this particular, at any of the Emperor's ports, I shall take care to advise the commanders of the frigates on this station of."

From No. 39, dated May 13, 1802.

"YESTERDAY I had certain intelligence of the governour of Rhabat having received his Majesty's orders on the 6th inst. for sending a schooner to Darelbeyda immediately to load wheat for Tripoli.

"On the 2nd instant the two frigates were launched at Rhabat. I am assured they are pierced for 26 guns each on the main deck ; if so they must be much crowded, for no ship of a suitable length, and draft of water for that force can enter any of the ports of this empire. Nothing that I yet know of has been done towards obtaining the small cruisers it was said his Majesty intended to station at this port."

From No. 40, dated June 5, 1802.

"I HAVE the honour to transmit herewith the copy of No. 39, also a translation of the minister's answer to the letter written him on the 25th April by the Swedish consul and myself, on the subject of his Majesty's desire of sending wheat to Tripoli, by which you will see he submits the propriety of that measure to the letter of the treaties of Sweden and the United States, with this country. Unfortunately neither make any provision for such a case, nor are blockaded ports mentioned in them. Hitherto none of the shipments have taken place.

"Sunday last the governour sent for Mr. Wyk and me to shew us a letter from his Majesty, desiring to know if we were yet authorized to grant passports for that wheat and the Tripoline ship laying at Gibraltar, which of course was answered in the negative.

“It did appear he had been instructed to treat with us upon the subject, in the precise terms of the minister’s letter, we however did not fail to repeat to him that all sort of intercourse by sea with blockaded ports was pointedly opposite to the law of nations and common usage at this day. This conference was held in the presence of the commodore of the Tripoline ship, and one of their ambassador’s secretaries, who brought the letter from his Majesty.”

Translation of a Letter from Sidy Mahomet Ben Absalem Selawey.

“Praise is due to God alone—There is no power or strength but in God.

“To the consuls, Peter Wyk and Simpson—health.

“Your letter reached the high presence of our master (whom God preserve) and I read it to him, also what you say on subject of a passport for the Tripoline ambassador.

“This wheat to be sent belongs to my master; if you allow it to pass, when the ambassador goes, as the property of his Majesty, it will be very well. If not you will do what is regular, and is established by the treaties of peace between us and you.

“The governour Hadge Abderhaman Achach will confer with you on this matter. Let what is in the treaties of peace be done.

“Written to you on the 7th day of Muharram 1217 (corresponding to the 10th May 1802.)

(Signed)

“MAHOMET BEN ABSALEM SELAWHEY.”

From No. 41, dated June 14, 1802.

“No. 40 concluded 10th inst. and forwarded to Gibraltar, I presume is still there, and that this will go from thence with it.

“ I have now the honour to acquaint you that yesterday the governour sent for me, to say he had just received a letter from the emperor with orders to acquaint me, that since passports could not be granted for the two cargoes of wheat he wished to send to Tripoli, his majesty had directed the vessels should go to Tunis, which I was happy to hear, as by that means we get rid of what threatened to be a very unpleasant piece of business.

“ In the evening, at the request of the governour, I wrote his majesty to explain again the powerful motives why I could not sanction vessels going to Tripoli, but that I was ready to grant the usual certificates for those his majesty might direct to be laden with cargoes, his property, for Tunis.”

From No. 42, dated June 17, 1802.

“ IT is with great concern I am under the necessity of acquainting you, that either the information given the Swedish consul and myself on Sunday last, respecting his imperial majesty having consented to allow his wheat vessels to go to Tunis, was extremely fallacious on the part of the governour of Tangier, or the emperor must have speedily repented of having taken that resolution.

“ This morning the governour sent for me again, to say he had fresh instructions from his majesty, with orders to demand from me passports for those vessels to go direct to Tripoli, and in case of refusal that I was to quit the country, adding that the letter was written in such strong terms as must prevent his consenting to any mitigation.—After a very long conference he at last, however, allowed me time to write to commodore Morris at Gibraltar, which I am now about to do fully.”

From No. 43, dated Gibraltar, June 26, 1802.

“ WITH this I beg leave to enclose a copy of 42, and am extremely sorry to add the intelligence of my having been

compelled by the governour of Tangier to retire from thence on Thursday evening, in consequence of positive orders from his imperial majesty to that effect I received on the evening of the 22d, accompanied with advice of his having declared war against the United States.

“ I had another interview with the governour of Tangier, when I succeeded in obtaining his promise to suspend again the execution of his majesty’s orders received on the 16th for my expulsion, until he could represent to his majesty the impossibility he was then satisfied had always existed to my granting the required passports, since the commodore could not sanction them.

From No. 44, dated Gibraltar, July 3, 1802.

“ I HAVE now to acquaint you, that yesterday I received a letter from the governour of Tangier, dated 30th June, advising that his imperial majesty (in answer to the letter he wrote on the 22d) had directed that I might be permitted to remain there six months; adding that in consequence, I was at liberty to return to my house in Tangier, or not, as I should see fit.”

Extracts of a Letter from James Simpson, Esq. Consul of the United States, &c. for the kingdom of Morocco, to the Secretary of State, dated at Gibraltar, July 16, 1802.

“ I HAVE the honour of transmitting with this duplicate of No. 44, also a copy of the letter I wrote the governour of Tangier, in answer to that I mentioned to have received from him. On same sheet is extract of a letter from the Danish consul at Tangier, to me, containing substance of what the governour encharged him to communicate by way of reply to my letter to him; all which I beg leave to submit to your perusal.

“ In constant hope of seeing the Adams, upon mature consideration, I thought as I had been expelled the coun-

try, and the alarm given of danger to the American flag, it was best wait her arrival, and receipt of the instructions I fully depend on receiving by that ship, before I closed with the governour's proposal of returning to Tangier, or entirely reject it; by this I was guided in the answer I gave to his letter, and it is satisfactory to see the determination meets his entire approbation.

“ My friend at Rhabat writes me, under 25th July, that the equipment of the two frigates there, goes on but slowly; but at Tetuan I find they make all despatch with the two galleys, and that this day week, guns, anchors, and cables, were sent from Tangier by a Moor's boat for him.”

Copy of a Letter from James Simpson, Esq. Consul of the United States, &c. for the kingdom of Morocco, to the Governour of Tangier, dated at Gibraltar, July 5, 1802.

SIR,

I HAVE received your Excellency's letter of the 29th last moon, advising me his Imperial Majesty Muley Soliman had been pleased to direct that I might remain in Tangier six months. Had that order reached you, previous to my being compelled to retire from his Majesty's dominion, I should certainly have availed of it. The frigate we expected from America has not yet reached this place; the moment she arrives I will do myself the honour of writing his Imperial Majesty, and in the mean time, I beg you will be fully assured, my best endeavours will continue to be exerted for a renewal of peace and good friendship between his Imperial Majesty and America.

Extract of a Letter from Mr. Shausborn, Danish Consul General, dated Tangier, July 9, 1802, to James Simpson, Esq. the American Consul.

“ YOUR esteemed favour of the 5th inst. is duly come to hand, with the enclosed letter for the governour of this

place. I delivered it in his own hand, and according to your request, explained to him the contents of it. In answer, he desired me to tell you, that he found you were in the right, and that he would not neglect, by the first opportunity, to inform his Majesty that he had written to you a very good letter, and that he had got still a better answer."

Extract from same to the Secretary of State, dated at Tangier, July 27, 1802.

"I HAD the honour to receive, by Capt. Campbell, of the Adams, the letter you wrote me on the 30th April, to which I must pray you will excuse my replying at length this morning. It was considered by Commodore Morris and myself proper, that I should pass over to this place for the purpose of more speedily and effectually making the communications you encharged me with for his Imperial Majesty, on part of the President.

"In the mean time I have to acquaint you that the frigate at Larach lays quite ready for sea, and that her commander left this place on Sunday, fully authorized to capture American vessels."

From same to same, dated at Tangier, August 3, 1802.

"The 27th last month I had the honour of addressing No. 46 to you, with advice of my return to this country—original was sent Commodore Morris, and duplicate via Lisbon. Last night I returned from Tetuan, after having had an interview with Hadge Abderhaman Hashash, who confirmed to me that the ship mentioned to be ready at Larach, was destined to detain American vessels as well as others; and shewed me his Majesty's original letter written by himself, authorizing Hashash to give directions to the captain for that effect, the ship to be placed entirely under his direction.

"Hashash did not long hesitate ere he proposed to with-

draw the authority he had given for the Larach ship taking Americans, provided I would grant the captain the usual certificates given by consuls to the Emperor's cruisers, that he might put to sea; but that I positively refused, or to sanction any vessel whatever belonging to the Emperor going to sea in any degree armed, until such time as his Majesty should see proper to give the most positive declaration of his being at peace as heretofore with the United States. After many arguments on both sides, Hashash promised me he would recommend to his Majesty to desist from his hostile intentions against the United States.

“Accordingly it was agreed both him and me should immediately write his Majesty; and enclosed with this I have the honour of transmitting copy of my letter, which I beg you will be good enough to lay before the President, together with this despatch, for this information on what has been done. At this moment I have the highest gratification in saying, I enjoy hopes of a speedy accommodation; but at same time, although I have the conscious satisfaction of knowing, that every exertion possible in my power has been made for paving the way for it, even during the time I was at Gibraltar, by endeavouring to gain my friends near the Emperor over to our interest, yet I must candidly say, had there not been a naval force at hand to keep their cruisers in port, I very much doubt if all I could have done, would have been attended with that success, I now so much hope for.”

[COPY.]

MAY IT PLEASE YOUR MAJESTY,

WITH all due respect and deference I beg leave to write your Imperial Majesty this letter, and to express my sincere wish, it may meet your majesty in the enjoyment of perfect health, which I pray God long to continue.

After having retired from your Majesty's dominions, in consequence of your orders communicated to me for that effect, by your servant Hadge Abderhaman Hashash, it is

with the highest satisfaction I have returned, for purpose of laying before your Majesty the contents of a letter received from the Secretary of State of the United States of America, replete with expressions of the respect and particular regard the President of the said United States entertains towards your Majesty.

That letter was written on the 30th day of April, corresponding with the 28th Dulhajja of last year. I have it in particular charge thereby, to assure your Imperial Majesty, in the name of the President, how very highly he regards your Majesty's faithful observance of the peace established between your royal father (who is in glory) and the United States: the interruption has happened since that letter was written, I trust I may be allowed to hope, will speedily be done away.

I farther beg leave to represent to your Majesty, that having found it impossible to obtain from Europe the 100 gun carriages your Majesty was pleased last year to desire I would endeavour to provide for you, (as I had the honour of advising your Majesty at that time) it became my duty to represent that disappointment to the government I serve. The President, desirous of giving your Majesty a proof of his friendship, immediately directed that one hundred gun carriages, such as your Majesty desired me to procure, should be made, and sent by a vessel to Tangier for your Majesty's use, so soon as they could be finished. Although the great distance of America from this country, necessarily occasions considerable delay to answers on any subject submitted from hence, and of consequence that this determination of the President has been long in reaching your Majesty, yet I fully persuade myself your Majesty will see in his ready attention to send to your Majesty what appeared would be acceptable, a strong proof of the sincere intention of the government of the United States, faithfully to maintain not only peace, but the strictest friendship and good harmony with your Majesty.

I purpose waiting at Tangier to receive such answer as your Majesty shall be pleased to order to be written to this

letter, in full reliance your Majesty will now be pleased to shew equally friendly sentiments towards the United States, and issue orders for annulling the declaration of war made against them, that peace may be restored, and their ships of war stationed in these seas, again respect in all cases your Majesty's flag.

In fulfilling my duty, by making these friendly communications, on the part of the government of the United States, I beg your Majesty will be persuaded. I have sincere satisfaction ; since it has ever been, and shall be my constant endeavour to promote peace, harmony, and good friendship, between this country and America.

I pray the Almighty God to preserve your Majesty many years in health and prosperity, and beg leave to subscribe myself, with the highest respect and veneration,

May it please your Majesty, your Majesty's most obedient, and devoted humble servant,

[L. s.]

JAMES SIMPSON.

Tetuan, July 31, 1802.

His Imperial Majesty Muley Soliman, Ben Mohamet, Ben Abdallah, Ben Ismael ; Sheriff, Emperor of Fez, Mequinez and Morocco, &c. &c. &c.

From same to same, dated at Tangier, Aug. 12, 1802.

“ ORIGINAL of No. 47 was forwarded by way of Lisbon, duplicate and triplicate under cover of Mr. Gavino at Gibraltar, each accompanied by a copy of the letter I wrote the Emperor from Tetuan. I have now the honour of enclosing with this translation of the answer I received last night to that letter, by which I am concerned to find new ground taken, likely to be productive of some trouble with his Imperial Majesty. A great consolation is, that the pretension of frequent embassies is totally founded in error, for no such arrangement, as is pretended, was made by me with the late minister, Sidy Mohamet Ben Ottoman ; nor has any thing of that nature ever been moved or hinted at, since the period alluded to, namely, 1795.”

[TRANSLATION.]

In the name of the merciful God.—

THERE is no power or force but that proceeding from the great and most high God.

To JAMES SIMPSON---Consul of America.

Your letter reached the high presence of our master, (whom God preserve,) and he was thereby informed of the orders you had received from the American nation.

Our master's pleasure is, that you return to your house; and he has given his orders accordingly, that you may remain as you have hitherto, but in the exercise of your office, and herewith goes the order for that effect to Al-cayde Abderhamen Hashash—so return to your house.

His Majesty also orders me to acquaint you, that he still adheres to what you stipulated with Sidy Mohamet Ben Ottoman, (to whom God be merciful,) which is, that your nation shall send each year one of your people to the high presence of our master, with your present; but if it be difficult for you to come every year, by reason of the distance of your country, you will come once in every two years.

Upon this the convention with your nation was made, and the treaties signed. If you abide by this agreement and fulfil it, you will be as you were, and your attentions will increase our friendship; and if you do not fulfil it, you will see how you will have to settle your matters. What has happened to you now has been occasioned by your own tardiness and neglect in this particular, but our master, (whom God preserve,) now forgives all that, and do you on your part, as justice directs, and God will assist you.

Written by order of our master, (whom the Almighty God has exalted,) on the seventh of Rabis á Tany 1217, (corresponding with the 6th August, 1802,) by his servant, Mehammed Ben Absalem Selawy, encharged with

the affairs of foreign nations, whom God purify of his sins—Amen.

[L. s.]

Translated from Arabic to Spanish by Dr. Manuel de Bacea, professor of the former language—and from Spanish, by

JAMES SIMPSON.

Tangier, August 12, 1802.

From No. 49, dated at Tangier, September 3, 1802.

“WITH this I have the honour of transmitting copy of the letter I wrote the minister on the 1st inst. It will afford me much satisfaction to know, what I have said on subject of the emperor’s pretension, meets the approbation of his excellency the President. I have stated only facts, and thought best to reserve copy of my letter of the 18th July 1795 to the then minister, and that of Muley Söliman’s to the President on the 18th August following, as vouchers more proper to be exhibited in support of my arguments, and in opposition to what farther may be alleged on the part of this government, on subject of what they thought fit to advance, rather than now.”

“The business of bringing the Tripoline ship from Gibraltar under the emperor’s flag, has been again agitated, and a general application made by Aleayde Hashash to the consuls here, for passports for her as belonging to his majesty, to sail from hence for Tripoli: I positively refused mine in these terms, nor do I find any has been granted; but it is certain, men have been ordered from Tetuan for her, and that she is to hoist colours at Gibraltar so soon as the weather will allow these people to get over.

“I have acquainted captain Campbell of the Adams frigate, that in my private opinion the whole is a colourable business, but if the emperor announces to the body of the consuls that the ship is his and demands passports accordingly, merely to go to sea and navigate as his, I really do not see how I dare return to contest the matter; or from

circumstances to express doubts on what is stated by the sovereign of the country as a fact, without running a great risk of drawing serious resentment on the commerce of the United States."

Copy of a Letter from James Simpson, Esq. Consul of the United States, &c. to his Excellency Sidy Mehammed Ben Absalem Selawy, Secretary of State, &c. &c. &c. Fez.

SIR,

I HAVE received the letter you wrote me, in answer to that I had the honour of addressing his imperial majesty, from Tetuan. In that letter you acquainted me it was his majesty's pleasure I should remain in this place, and exercise the functions of my office as heretofore, as that the necessary orders had been given for that effect, to the governour Aleayde Abderhaman Hashash. Very much desirous of seeing perfect harmony subsist between this empire and the United States of America, and at all times ready to contribute thereto as far as in my power, I did not hesitate at again hoisting their flag on my residence in Tangier, in testimony of the return of peace, and notified to his excellency the President, his majesty's friendly dispositions in this particular.

I also gave the necessary information on the subject to the commanding officer of the American ships of war, stationed in these seas, and granted passports for his majesty's frigate Mirboha, and schooner Miribha, that they might put to sea and navigate in safety.

I beg you will have the goodness to represent these matters to his imperial majesty, with an assurance from me that he will always experience from the government of the United States, and their agents, an equal readiness to correspond with every disposition his majesty may be pleased to shew, for maintaining an uninterrupted peace between the two nations. At same time speaking with that sincerity ought to guide the representatives of nations, I cannot help

expressing to you with what surprise and concern I observe the farther communication you make me by order of his imperial majesty, stating his expectation of annual embassies accompanied with presents from the United States of America.—You are pleased to say it was so stipulated with the late Sid Mohamet Ben Ottoman.

I beg you will tell me where, and by whom such engagement was made, for I am a perfect stranger to it.

What I know of the matter is, that in the year 1795, when I had the honour of being sent by the government of the United States to his imperial majesty Muley Soliman at Rhabat, for the purpose of congratulating him on his happy accession to the throne of his ancestors, and for obtaining a recognition of the treaty made at Morocco, between his majesty's father Sidy Mohamet Ben Abdallah and the United States of America, his majesty was pleased to ratify that treaty, without any addition or alteration; in fulfilment of his father's engagement, made in the name of the Almighty, that it should continue in full force for fifty years from the first day of Rhamaden in the year 1200, on which it was signed.

His Majesty's letter on that occasion to the President of the United States, bearing date the 2nd of Zafar 1210, was delivered to me by Sid Mohamet Ben Ottoman, and declared that his Majesty was at peace, tranquillity and friendship with America, in the same manner as his father (who is with God) was, to which the government of the United States have ever faithfully corresponded.

By that treaty, there is no stipulation whatever for embassies being sent, or presents made by either the one government or the other, as you will see by the copy of it in Arabic. I delivered it to Sid Mohamet Ben Ottoman, on the 12th July. 1795, at Rhabat. I have seen it my duty to transmit to the government, I have the honour to represent in this country, three several copies of your letter on this important subject, by different conveyances, to guard against miscarriages; and I wait to receive such orders as his excellency the President shall see fit to give me on the occasion.

I have lately received information that two seamen, part of the crew of the American ship stranded three years ago near Cape Nun have escaped from the Arabs, and are now with the governour of Tarudaunt. I have to request you will have the goodness to transmit me a letter to that gentleman, directing him to allow these unfortunate people to proceed to Mogadore, in order that my agent there, Mr. Peter Guyer, may send them to their own country. Alcayde Hashash having signified to me his majesty's wish to be provided with some more American rice, I have given the necessary directions to the consul at Gibraltar to send me a supply, so soon as he can get any of a quality proper for his Majesty's use.

It will at all times afford me particular pleasure to obey such commands from his Majesty.

I avail of this opportunity of renewing my assurances of respect, and beg you will be persuaded, I am, &c.

Extract of a Letter from Consul Simpson, to Consul Gavino, dated Tangier, September 27, 1802.

I AM happy to tell you that some matters in discussion with this country have already been so far explained, and misconceptions on the part of this government done away, as leaves me no room to apprehend longer a necessity of having recourse to America for instructions, as every matter is in the fairest train of perfect accommodation, and I hope the gun carriages will come just in time to settle every thing, at least for some years, until they think of something else to ask for.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A REPORT FROM THE SECRETARY OF STATE, WITH THE INFORMATION REQUESTED IN A RESOLUTION OF THE HOUSE, OF THE SEVENTEENTH INSTANT, RELATIVE TO THE VIOLATION ON THE PART OF SPAIN, OF THE TWENTY-SECOND ARTICLE OF THE TREATY OF FRIENDSHIP, LIMITS AND NAVIGATION, BETWEEN THE UNITED STATES AND THE KING OF SPAIN.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

I now transmit a report from the Secretary of State, with the information requested in your resolution of the 17th instant.

In making this communication, I deem it proper to observe that I was led by the regard due to the rights and interests of the United States, and to the just sensibility of the portion of our fellow citizens more immediately affected by the irregular proceeding at New Orleans, to lose not a moment in causing every step to be taken which the occasion claimed from me; being equally aware of the obligation to maintain in all cases the rights of the nation, and to employ for that purpose those just and honourable means, which belong to the character of the United States.

December 22, 1802.

TH: JEFFERSON.

Report of the Secretary of State, to the President of the United States.

THE Secretary of State, to whom the Resolution of the House of Representatives of the United States of the 17th instant was referred by the President, has the honour to enclose to him the letters and communications annexed, from the governour of the Mississippi Territory, the governour of Kentucky, and from William E. Hulings, formerly appointed vice-consul of the United States at New Orleans. In addition to this information on the subject of the resolution, it is stated from other sources, that on

the 29th of October, American vessels from sea remained under the prohibition to land their cargoes; and that the American produce carried down the Mississippi could be landed only on paying a duty of six per cent. with an intimation that this was a temporary permission. Whether in these violations of treaty the officer of Spain at New Orleans has proceeded with or without orders from his government, cannot as yet be decided by direct and positive testimony; but it ought not to be omitted in the statement here made, that other circumstances concur with the good faith and friendship otherwise observed by his Catholic Majesty, in favouring a belief that no such orders have been given.

JAMES MADISON.

Department of State, December 21, 1801.

[COPY.]

NEW ORLEANS, OCTOBER 18, 1802.

SIR,

I HAVE the honour to enclose you an extract from a decree this day published by the Intendant of the province of Louisiana, by which you will see that the Americans are no longer permitted to deposit their merchandize in this city. No information of any other place being appropriated for an American deposit, is yet given; nor have we any reason to hope that the government has such place in view. The season for the cotton from the Natchez, and other produce from the settlements higher up, to come down approaches. The difficulties, and risks of property that will fall on the citizens of the United States, if deprived of their deposit, are incalculable; their boats being so frail, and so subject to be sunk by storms that they cannot be converted into floating stores, to wait the arrival of sea vessels to carry away their cargoes.

The port is also this day shut against all foreign commerce, which can only be carried on by Spanish subjects in Spanish bottoms.

I am, sir, with the greatest respect,

(Signed)

WM. E. HULINGS.

The Hon. James Madison, Esq. Secretary of State.

Extract from a publication made October 16th, 1802, by Juan Ventura Morales, Intendant of the Province of Louisiana, &c.

N. B. The preceding part of the publication relates only to the ratification of peace, and the shutting of the port against foreign trade.

[TRANSLATION.]

As long as it was necessary to tolerate the commerce of neutrals which is now abolished, it would have been prejudicial to the province, had the Intendant, in compliance with his duty, prevented the deposit in this city of the property of the Americans, granted to them by the 22d article of the Treaty of Friendship, Limits, and Navigation, of the 27th October, 1795, during the limited term of three years.

With the publication of the ratification of the Treaty of Amiens, and the re-establishment of the communication between the English and Spanish subjects, that inconvenience has ceased. Considering that the 22d article of the said Treaty takes from me the power of continuing the toleration, which necessity required; since after the fulfilment of the said term this ministry can no longer consent to it without an express order of the king: Therefore, and without prejudice to the exportation of what has been admitted in proper time, I order, that from this date the privilege, which the Americans had of importing and depositing their merchandize and effects in this capital, shall be interdicted: And that the foregoing may be publickly known, and that nobody may allege ignorance, I order it to be published in the usual places, copies to be posted up in the publick sitioes; and that the necessary notice be given of it to the officers of finance, the administrator of rents, and otherwise as may be necessary.

The present being given under my hand, and countersigned by the underwritten Notary of Finance, pro tem-

pore, in the office of Intendancy of New Orleans, October 16, 1802.

(Signed) JUAN VENTURA MORALES.

By order of the Intendant,

PEDRO PEDESCLAUX.

Faithfully translated from the Spanish language.

JACOB WAGNER,

Ch. Clk. Dep. State.

NEAR NATCHEZ, OCT. 29, 1802

SIR,

I HAVE the honour to enclose you a letter, which I last evening received from Mr. Wm.E. Hulings, together with a translation of an extract from a publication made by Juan Ventura Morales, Intendant of the Province of Louisiana, &c. dated October 16th, 1802. These despatches announce that the port of New Orleans is shut against foreign commerce, and also the *American deposit*.

Not understanding from the Intendant's proclamation, whether or not another place on the banks of the Mississippi had been assigned by his Catholic Majesty, (in conformity to our treaty with Spain,) for "*an equivalent establishment*," I have by letter (a copy of which is enclosed) requested information *upon this point* from the Governor General of the Province of Louisiana; when his answer is received, it shall be forwarded to you.

This late act of the Spanish government at Orleans has excited considerable agitation at Natchez and its vicinity. It has inflicted a severe wound on the agricultural and commercial interests of this territory, and will prove no less injurious to all the western country.

There being at present an interruption in the post between this territory and Tennessee, and supposing it of importance that the government should be early apprized of the late event at Orleans, I have forwarded this letter by express to Nashville, where it will be deposited in the mail.

I am, Sir, with sentiments of esteem and respect, your humble servant,

(Signed)

WILLIAM C. C. CLAIBORNE.

The Hon. the Secretary of State for the United States.

NEW ORLEANS, OCT. 18, 1802.

SIR,

I HAVE to announce to you that this day the port is shut against foreign commerce, and not against foreign commerce only, but against the *American deposit* in this city. In the decree posted up in the publick places, no mention is made of any other place appointed for a deposit. You will use this information as you may think proper.

I am, with great respect, your most obedient humble servant,

WILLIAM E. HULINGS.

Wm. C. C. Claiborne, Governour, Mississippi Territory.

[COPY.]

NATCHEZ, OCT. 28, 1802.

SIR,

I WAS this day informed, that in a proclamation issued on the 16th inst. by the Intendant of the Province of Louisiana, it was announced, "That the citizens of the United States should no longer be permitted to deposit their merchandizes and effects in the port of New Orleans."

Information of an event so immediately interesting to the citizens of the United States led me to peruse attentively "The Treaty of Friendship, Limits, and Navigation, between the United States of America and the King of Spain," and upon adverting to the 22d article, I found it expressly declared, that "His Catholic Majesty will permit the citizens of the United States, for the space of three years from this time, to deposit their merchandizes and effects in the port of New Orleans, and to export them from thence, without paying any other duty, than a fair price for the hire of the stores; and his Majesty promises either to continue this permission, if he finds during that time, that it is not prejudicial to the interest of Spain, or if he

should not agree to continue it then, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment." I have here quoted the words of the treaty, and find them too explicit to require comment, or to admit of a doubtful construction.

If, therefore, his Catholic Majesty has discontinued his permission to the citizens of the United States to deposit their merchandizes and effects at the port of New Orleans, will your Excellency be good enough to inform me whether any, and what other place on the banks of the Mississippi has been assigned (in conformity to the treaty) for "an equivalent establishment." The subject of this inquiry is so interesting to the commerce of the United States, and to the welfare of her citizens, that I must request your Excellency to favour me with an *early answer*.

Accept assurances of my great respect and high consideration. (Signed) W. C. C. CLAIBORNE.

His Excellency MANUEL DE SALVADO,

Gov. General of the Province of Louisiana.

[COPY.] *The Governour of Kentucky to the President of the United States.*

STATE OF KENTUCKY, FRANKFORT, NOV. 30, 1802.

SIR,

Two days ago I received the enclosed letters from Dr. James Speed, and Meeker and Co. from New Orleans; together with a copy of a proclamation issued by Juan Ventura Morales, Intendant of the Spanish government of Louisiana; and which I do myself the honour to enclose, for your information. The citizens of this state are very much alarmed and agitated; as this measure of the Spanish government will (if not altered) at one blow cut up the present and future prosperity of their best interests by the roots. To you, sir, they naturally turn their eyes, and on your attention to this important subject their best hopes are fixed. Permit me to request, you will give me information on this business, as soon as you can say with certainty,

what we may rely on ; and let my solicitude on this occasion, be my apology for this request.

With sentiments of respect, &c.

(Signed)

JAMES GARRARD.

REPORT ON THE MEMORIAL OF SUNDRY INHABITANTS OF
WILMINGTON, IN THE STATE OF NORTH CAROLINA.
JANUARY 26, 1803.

THE committee to whom was referred the memorial of the inhabitants of the town of Wilmington and its vicinity, in the state of North Carolina, Report—

That the system of policy stated in the said memorial to exist, and to be now pursued, in the French colonial governments, in the West Indies, is fraught with danger, to the peace and safety of the United States.—That the fact stated to have occurred, in the prosecution of that system of policy, demands the prompt interference of the government of the United States, as well legislative as executive.

The committee therefore recommend that the said memorial be referred to the Secretary of State, to be laid before the President—and in pursuance of the authority granted to them, herewith report a bill which is submitted.

To the Honourable the Congress of the United States.

THE memorial of the undersigned, inhabitants of the town of Wilmington, in the state of North Carolina, and of the vicinity thereof, Respectfully sheweth—

That it doth appear to have become the policy of the governments established by the French over several of their islands in the West Indies, to expel therefrom all negroes and mulattoes, to whom emancipation shall be accorded. That in the prosecution of this system, the executive authorities in said islands (of Guadaloupe particularly) have shewn a determination by force or by fraud, to have those people introduced into the United States. That in fact the danger to be apprehended from affording an asy-

lum to such persons, has operated so powerfully on the European powers holding islands in the West Indies, or establishments on this continent, as to produce an absolute and effectual prohibition from landing them on any part of their respective territories. That, therefore, the United States having become the dernier resort for enabling the French colonial governments to clear the islands of a species of population too obnoxious to be tolerated, there is reason to dread, (unless the most prompt and decisive measures are adopted to counteract and repel the designs of those governments) that the peace and safety of the southern states of the Union will be greatly endangered.

Your memorialists think it necessary to state to your honourable body, in proof that their apprehensions on this head are well founded, that the schooner Fair Play recently arrived in this port from Guadaloupe, having on board five persons of the above description, which the executive of that island compelled the captain of said schooner to bring away.

With the fullest confidence that your honourable body will condescend to give to the above representation the consideration which its importance demands, and that they may expect from your wisdom such measures as may be effectual in the premises—Your memorialists will ever pray, &c.

Wm. Campbell, Timothy Bloodworth, James Walker, John Loudon, Jno. Walker, Geo. Hooper, D. Mallett, C. D. Howard, Joseph Dean, Robert Morton, Geo. Canning, A. Jocelin, Henry Urquhart, Wm. Giles, John Lord, A. J. De Rosset, Jno. Shuter, Sam. R. Jocelyn, Rd. Langdon, Kingsley Thurber, John Calhorde, Alx. D. Moore, Isaac Smith, D. Smith, Almand Hall, David Anderson, Evan Jones, Jno. Scott, Wm. Nutt, C. Dudley, N. Hill, James W. Walker, Jno. M. Gabie, John Macauslan, Robert Camock, John Barrett, Ja. Walker, Joshua Potts, Chas. Livingston, John Poisson, Jona. Aveny, Mears Levy, Gilbert Geer, O. Kenan, R. Mitchell, John Brown, R. Everitt, J. Willkings, Carleton Walker, Alexr. Hostlen,

C. P. Pelham, A. M. Isaacks, Henry Young, Thomas Robeson, Benj. M. Gause, Thomas Cowan, Jos. G. Wright, Robert Dorsey, Thos. F. Davis, Thomas Jennings, J. Hartman, Sam. Bloodworth, Duncan Ray, Thomas Torrance, Rowland Craig, Sam. Shuter, H. Halsey, William Green, Cha. Carrol, Rd. Bradley, Frs. Fontaine, Daniel M'Kenzie, Daniel M'Phail, Thos. Callender, T. N. Gautier, Jacob Levy, Henry B. Howard, P. Mallett, A. Lazarus, John Allen, Jas. Holmes, Sam. Morgan, Anthy. B. Todmer, John Maclellan, William Keddie, Geo. Jennings, Hanson Kelly, James Allen, Hy. Horkins, Jno. Henderson, Rich. Lloyd, Jno. Maltester, B. Roberts, Adam Tabac, Peter Harris, James Telfair, A. T. Brown, Alex. Peden, Jas. Carson, Thos. Fitzgerald, J. Bernard, B. Jacob, Thos. Smith, Sam. Swann, Geo. Gibbs, W. H. Beatty, Jesse Wingate, Wm. Browne, D. Jones, Wm. Harriss, Thomas Sonerd, Nehemiah Harriss, Daniel M'Neal.

MESSAGE

RELATING TO THE OBSTRUCTION OF THE MISSISSIPPI
DECEMBER 30, 1802.

GENTLEMEN OF THE HOUSE OF REPRESENTATIVES,

IN addition to the information accompanying my message of the 22nd instant, I now transmit the copy of a letter on the same subject, recently received.

December 30, 1802.

TH: JEFFERSON.

WASHINGTON, DECEMBER 30, 1802.

SIR,

ALTHOUGH an informal communication to the publick of the substance of the enclosed letter may be proper for quieting the publick mind, yet I refer to the consideration of the House of Representatives, whether a publication of it in form might not give dissatisfaction to the writer, and tend to discourage the freedom and confidence of commu-

nications between the agents of the two governments. Accept assurances of my high consideration and respect.

TH: JEFFERSON.

The Speaker of the House of Representatives.

House of Representatives of the United States, Jan. 7, 1803.

RESOLVED, That this House receive with great sensibility the information of a disposition in certain officers of the Spanish government at New Orleans to obstruct the navigation of the river Mississippi, as secured to the United States by the most solemn stipulations:—

That adhering to that humane and wise policy which ought ever to characterize a free people, and by which the United States have always professed to be governed; willing at the same time to ascribe this breach of compact to the unauthorized misconduct of certain individuals, rather than to a want of good faith on the part of his Catholic Majesty; and relying, with perfect confidence, on the vigilance and wisdom of the Executive, they will wait the issue of such measures as that department of the government shall have pursued for asserting the rights and vindicating the injuries of the United States:—holding it to be their duty, at the same time, to express their unalterable determination to maintain the boundaries, and the rights of navigation and commerce through the river Mississippi, as established by existing treaties.



MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TRANSMITTING A REPORT FROM THE SECRETARY OF STATE AND SUNDRY DOCUMENTS IN THE CASE OF THE DANISH BRIGANTINE CALLED THE HENRICK. FEB. 23, 1803.

GENTLEMEN OF THE SENATE AND OF THE HOUSE OF REPRESENTATIVES,

I LAY before you a report of the Secretary of State on the case of the Danish brigantine Henrick, taken by a

French privateer in 1799, retaken by an armed vessel of the United States; carried into a British island, and there adjudged to be neutral, but under allowance of such salvage and costs as absorbed nearly the whole amount of sales of the vessel and cargo. Indemnification for these losses, occasioned by our officers, is now claimed by the sufferers, supported by the representations of their government. I have no doubt the legislature will give to the subject that just attention and consideration which it is useful as well as honourable to practise in our transactions with other nations, and particularly with one which has observed towards us the most friendly treatment and regard.

TH: JEFFERSON.

February 23, 1803.

THE Secretary of State has the honour to report to the President of the United States, upon the Note of the minister of his Danish Majesty, dated on the 9th instant, as follows:

That it appears that the Danish brigantine Henrick, captain Peter Scheele, sailing from Hamburgh, loaded with an assorted cargo, and bound to Cape Francois, was captured on the 3rd of October, 1799, by a French privateer, and on the 8th of the same month, she was re-captured by an American publick armed vessel, called the Pickering, and carried to the British island of St. Christopher, where she arrived on the 10th.

That from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of Vice-Admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one half of the gross amount of the sales of the brig and her cargo to be paid to the re-captors, and the other half, after deducting costs and expenses, to be restored to the owners. That this rate of salvage appears to have been adopted from the laws of the United States, as then applicable to re-captures of American property, and of such as belonged to belligerent powers in amity with the United States; but it is believed that these laws had, according to decisions of our

own courts, no reference to re-captures of neutral property. That admitting, what has received the sanction of some recent authorities, that in certain peculiar cases of danger of a neutral being condemned by a belligerent, the re-captors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and according to the assurance of Mr. Lindemann, the governour of the Danish West India islands, most of the Danish vessels carried into Guadeloupe for a year before this capture were released, and some of them with damages. That the courts of the United States have in cases much more strongly marked by circumstances indicating a danger of the neutral being condemned, allowed much smaller rates of salvage.

That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers in this case to repel the attempt of the foreign judicatory to take cognizance, much less ought they to have directly submitted their re-capture to its decision, which as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

That, according to the representation of the agent for the owners of the Danish vessel of the sum of \$44,500, the value of the vessel, freight and cargo, there remained, after satisfying the decree for salvage and expenses, no more than \$8,374 41 cents.

That as the policy and interest of the United States lead them in a special manner to respect and promote the rights and facilities of neutral commerce; as the sentence in this case was permitted, if not procured by officers of the United States, to be made in a foreign and therefore improper tribunal, as there remains no doubt but that a court of the United States pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the

sentence, viz. the law of the United States, was inapplicable to the case; and as it is understood, that a remedy is now unattainable, in the ordinary judicial course, it is the opinion of the Secretary of State, that under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

All which is respectfully submitted.

JAMES MADISON.

Department of State, February 22, 1803.

SAINT CHRISTOPHER,

In the Court of Vice Admiralty.

I, William Henry Male, deputy register of the acts and deeds of his Majesty's courts of vice admiralty of the said island, do hereby certify to all, to whom these presents shall or may concern, that the several pages hereunto annexed, being in number seven, do contain a true copy of all the proceedings, vouchers, papers and exhibits (except the monition which appears to have been duly issued, but has since been mislaid) filed in the cause of the brig Hendrick, Peter Skeel, master, her tackle, apparel, and furniture, and the goods, wares, and merchandizes, laden on board thereof, taken by the United States brig of war Piekinger, Benjamin Hillier, Esq. commander, and libelled in the said cause, as lawful prize; and that the same have been carefully examined with the originals by me.

In testimony whereof, I, the said William Henry Male, deputy register as aforesaid, have hereunto set my hand, and the worshipful John Garnett, Esq., judge Surrogate of the said court, hath also affixed the seal of the same court at Bassatterre, in the said island of Saint Christopher, this fifteenth day of September, in the year of our Lord one thousand eight hundred.

(Signed) W. H. MALE, *Deputy Register.*

(Signed) JOHN GARNETT, [L. s.]

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE AND HOUSE OF REPRESENTATIVES, DELIVERED
AT THE COMMENCEMENT OF THE FIRST SESSION OF
THE EIGHTH CONGRESS, OCTOBER 17, 1803.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE U. STATES.

In calling you together, fellow citizens, at an earlier day than was contemplated by the act of the last session of Congress, I have not been insensible to the personal inconveniences necessarily resulting from an unexpected change in your arrangements. But matters of great public concernment have rendered this call necessary, and the interest you feel in these will supersede, in your minds, all private considerations.

Congress witnessed, at their last session, the extraordinary agitation produced in the publick mind, by the suspension of our right of deposit at the port of New Orleans, no assignment of another place having been made, according to treaty. They were sensible, that the continuance of that privation would be more injurious to our nation than any consequences which could flow from any mode of redress; but reposing just confidence in the good faith of the government, whose officer had committed the wrong, friendly and reasonable representations were resorted to, and the right of deposit was restored.

Previous, however, to this period, we had not been unaware of the danger to which our peace would be perpetually exposed, whilst so important a key to the commerce of the western country remained under foreign power. Difficulties too were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had therefore been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was

deemed practicable ; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the President of the United States, intended as a part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance, to both nations, of such liberal arrangements as might best and permanently promote the peace, interests, and friendship of both ; and the property and sovereignty of all Louisiana, which had been restored to them, has, on certain conditions, been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the Senate, they will, without delay, be communicated to the Representatives for the exercise of their functions, as to those conditions which are within the powers vested by the constitution in Congress. Whilst the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western states, and an uncontrolled navigation through their whole course, free from collision with other powers, and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide spread for the blessings of freedom and equal laws.

With the wisdom of Congress it will rest, to take those ulterior measures which may be necessary for the immediate occupation, and temporary government of the country ; for its incorporation into our union ; for rendering the change of government a blessing to our newly adopted brethren ; for securing to them the rights of conscience and of property ; for confirming to the Indian inhabitants their occupancy and self government, establishing friendly and commercial relations with them, and for ascertaining the geography of the country acquired. Such materials for your information, relative to its affairs in general, as the short space of time has permitted me to collect, will be

laid before you when the subject shall be in a state for your consideration.

Another important acquisition of territory has also been made since the last session of Congress. The friendly tribe of Kaskaskia Indians, with which we have never had a difference, reduced by the wars and wants of savage life to a few individuals unable to defend themselves against the neighbouring tribes, has transferred its country to the United States, reserving only for its members what is sufficient to maintain them in an agricultural way. The considerations stipulated are, that we shall extend to them our patronage and protection, and give them certain annual aids, in money, in implements of agriculture, and other articles of their choice. This country, among the most fertile within our limits, extending along the Mississippi from the mouth of the Illinois to, and up the Ohio, though not so necessary as a barrier since the acquisition of the other bank, may yet be well worthy of being laid open to immediate settlement, as its inhabitants may descend with rapidity in support of the lower country, should future circumstances expose that to foreign enterprize. As the stipulations in this treaty also involve matters within the competence of both houses only, it will be laid before Congress so soon as the Senate shall have advised its ratification.

With many of the other Indian tribes improvements in agriculture and household manufacture are advancing, and with all, our peace and friendship are established on grounds much firmer than heretofore. The measure adopted, of establishing trading houses among them, and of furnishing them necessaries in exchange for their commodities at such moderate prices as leave no gain, but cover us from loss, has the most conciliatory and useful effect on them, and is that which will best secure their peace and good will.

The small vessels authorized by Congress, with a view to the Mediterranean service, have been sent into that sea; and will be able more effectually to confine the Tripoline

cruisers within their harbours, and supersede the necessity of convoy to our commerce in that quarter. They will sensibly lessen the expenses of that service the ensuing year.

A further knowledge of the ground, in the north-eastern and north-western angles of the United States, has evinced that the boundaries, established by the treaty of Paris, between the British territories and ours in those parts, were too imperfectly described to be susceptible of execution. It has therefore been thought worthy of attention, for preserving and cherishing the harmony and useful intercourse, subsisting between the two nations, to remove, by timely arrangements, what unfavourable incidents might otherwise render a ground of future misunderstanding. A convention has therefore been entered into, which provides for a practicable demarcation of those limits, to the satisfaction of both parties.

An account of the receipts and expenditures of the year ending 30th September last, with the estimates for the service of the ensuing year, will be laid before you by the Secretary of the Treasury, so soon as the receipts of the last quarter shall be returned from the more distant states. It is already ascertained that the amount paid into the treasury, for that year, has been between eleven and twelve millions of dollars, and that the revenue accrued during the same term, exceeds the sum counted on as sufficient for our current expenses, and to extinguish the publick debt within the period heretofore proposed.

The amount of debt paid, for the same year, is about 3,100,000 dollars, exclusive of interest, and making, with the payment of the preceding year, a discharge of more than eight millions and an half of dollars, of the principal of that debt, besides the accruing interest: and there remain in the treasury nearly six millions of dollars. Of these, 880,000 have been reserved for payment of the first instalment due under the British convention of January 8th, 1802, and two millions are what have been before mentioned as placed by Congress under the power and accountability of the President, towards the price of New-

Orleans and other territories acquired, which, remaining untouched, are still applicable to that object, and go in diminution of the sum to be funded for it.

Should the acquisition of Louisiana be constitutionally confirmed and carried into effect, a sum of nearly thirteen millions of dollars will then be added to our publick debt, most of which is payable after fifteen years; before which term the present existing debts will all be discharged by the established operation of the sinking fund. When we contemplate the ordinary annual augmentation of impost, from increasing population and wealth, the augmentation of the same revenue, by its extension to the new acquisition, and the economies which may still be introduced into our publick expenditures, I cannot but hope that Congress, in reviewing their resources, will find means to meet the intermediate interest of this additional debt without recurring to new taxes: and applying to this object only the ordinary progression of our revenue, its extraordinary increase, in times of foreign war, will be the proper and sufficient fund for any measures of safety or precaution, which that state of things may render necessary, in our neutral position.

Remittances for the instalments of our foreign debt having been found practicable without loss, it has not been thought expedient to use the power, given by a former act of Congress, of continuing them by reloans, and of redeeming, instead thereof, equal sums of domestick debt, although no difficulty was found in obtaining that accommodation.

The sum of fifty thousand dollars, appropriated by Congress for providing gun boats, remains unexpended. The favourable and peaceable turn of affairs, on the Mississippi, rendered an immediate execution of that law unnecessary; and time was desirable, in order that the institution of that branch of our force might begin on models the most approved by experience. The same issue of events dispensed with a resort to the appropriation of a million and a half of dollars, contemplated for purposes which were effected by happier means.

We have seen with sincere concern the flames of war lighted up again in Europe, and nations, with which we have the most friendly and useful relations, engaged in mutual destruction. While we regret the miseries in which we see others involved, let us bow with gratitude to that kind providence, which, inspiring with wisdom and moderation our late legislative councils, while placed under the urgency of the greatest wrongs, guarded us from hastily entering into the sanguinary contest, and left us only to look on, and to pity its ravages. These will be heaviest on those immediately engaged. Yet the nations pursuing peace, will not be exempt from all evil. In the course of this conflict, let it be our endeavour, as it is our interest and desire, to cultivate the friendship of the belligerent nations by every act of justice, and of innocent kindness; to receive their armed vessels with hospitality from the distresses of the sea, but to administer the means of annoyance to none; to establish in our harbours such a police as may maintain law and order; to restrain our citizens from embarking individually in a war, in which their country takes no part; to punish severely those persons, citizen or alien, who shall usurp the cover of our flag for vessels not entitled to it, infecting thereby with suspicion those of real Americans, and committing us into controversies for the redress of wrongs not our own; to exact from every nation the observance towards our vessels and citizens of those principles and practices which all civilized people acknowledge; to merit the character of a just nation, and maintain that of an independent one, preferring every consequence to insult and habitual wrong. Congress will consider whether the existing laws enable us, efficaciously, to maintain this course, with our citizens in all places, and with others, while within the limits of our jurisdiction; and will give them the new modifications necessary for these objects. Some contraventions of right have already taken place, both within our jurisdictional limits, and on the high seas. The friendly disposition of the governments from whose agents they have proceeded, as well as

their wisdom and regard for justice, leave us in reasonable expectation, that they will be rectified and prevented in future; and that no act will be countenanced by them which threatens to disturb our friendly intercourse. Separated by a wide ocean from the nations of Europe, and from the political interests which entangle them together, with productions and wants which render our commerce and friendship useful to them, and theirs to us, it cannot be the interest of any to assail us, nor ours to disturb them. We should be most unwise indeed, were we to cast away the singular blessings of the position in which nature has placed us, the opportunity she has endowed us with, of pursuing, at a distance from foreign contentions, the paths of industry, peace and happiness; of cultivating general friendship, and of bringing collisions of interest to the umpire of reason rather than of force. How desirable then must it be, in a government like ours, to see its citizens adopt individually the views, the interests and the conduct which their country should pursue, divesting themselves of those passions and partialities which tend to lessen useful friendships, and to embarrass and embroil us in the calamitous scenes of Europe. Confident, fellow citizens, that you will duly estimate the importance of neutral dispositions towards the observance of neutral conduct, that you will be sensible how much it is our duty to look on the bloody arena spread before us with commiseration, indeed, but with no other wish than to see it closed, I am persuaded you will cordially cherish these dispositions, in all discussions among yourselves, and in all communications with your constituents; and I anticipate with satisfaction the measures of wisdom which the great interests, now committed to you, will give *you* an opportunity of providing, and *myself* that of approving and of carrying into execution with the fidelity I owe to my country.

October 17, 1803.

TH: JEFFERSON.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES RELATIVE TO MOROCCO.

TO THE SENATE AND HOUSE OF REPRESENTATIVES.

By the copy now communicated of a letter from captain Bainbridge of the Philadelphia frigate to our consul at Gibraltar, you will learn that an act of hostility has been committed on a merchant ship of the United States by an armed ship of the Emperor of Morocco. This conduct on the part of that power is without cause, and without explanation. It is fortunate that captain Bainbridge fell in with and took the capturing vessel and her prize; and I have the satisfaction to inform you, that about the date of this transaction such a force would be arriving in the neighbourhood of Gibraltar, both from the east and from the west, as leaves less to be feared for our commerce from the suddenness of the aggression.

On the 4th of September the Constitution frigate captain Preble, with Mr. Lear on board, was within two days sail of Gibraltar, where the Philadelphia would then be arrived with the prize; and such explanation would probably be instituted as the state of things required, and as might perhaps arrest the progress of hostilities.

In the mean while it is for Congress to consider the provisional authorities which may be necessary to restrain the depredations of this power, should they be continued.

November 4, 1803.

TH: JEFFERSON.

United States frigate Philadelphia, East of Malaga about ten miles.—Monday August 29, 1803.

JAMES SIMPSON, ESQ.

DEAR SIR.—I wrote you from Gibraltar on the 24th instant, mentioning that we should sail the next morning for Malta.

Hearing at the Rock, that two Tripolitans were off Cape de Gatt, made me proceed with all expedition to ex-

amine that part of the Spanish coast. On the 26th it blowing very fresh, at 8 P. M. being nearly up with Cape de Gatt fell in with a ship carrying only her foresail, which had a brig in company, under the same sail. It being night, and her guns housed, prevented an immediate discovery of her being a cruiser. After hailing for some time found that she was a vessel of war from Barbary; on which information I caused her boat to be sent on board the frigate Philadelphia with her passports, from which I discovered that she was a cruiser belonging to the Emperor of Morocco called Mirboha, commanded by Ibrahim Lubareg, mounting twenty-two guns, and manned with one hundred men. By not making ourselves known to the officer who came on board, he confessed that the brig in company was an American, and had been with them three or four days, was bound to some port in Spain, had been boarded by them but not been detained. The low sail the brig was under induced me to suspect they had captured her, notwithstanding their having your passport, which it must appear from the sequel, was only obtained to protect them from American ships of war. I sent my first lieutenant on board to examine if they had any American prisoners; on his attempting to execute my orders, he was prevented by the captain of the cruiser. This increased my suspicion, and I sent a boat with armed men to enforce my instructions; after they were on board they found captain Richard Bowen, of the American brig Celia, owned by Mr. Amasa Thayer of Boston, and several of his crew, who was taken on the 17th instant, from Barcelona, bound to Malaga, within two or three leagues of the Spanish shore, and about twenty-five miles to the eastward of Malaga. The captain and the crew they had confined below deck, which they always did when speaking a vessel. After making this discovery I immediately ordered all the Moorish on board the frigate, for I made no hesitation in capturing her, after such proceedings on their part, and violation of the faith of passports which ought to be sacred. Owing to the high wind and sea, it took me

the greater part of the night to get the prisoners on board and man the prize, which detention occasioned losing sight of the brig. The following morning discovering many vessels in divers directions, the day was spent by the frigate and prize in chasing to find the captured brig: about 4 P. M. made her coming round Cape de Gatt from the eastward, standing close in shore for Almeria bay. Owing to the wind not being very fresh, we were going slow in approaching her; the greatest exertions were made by lieutenant Coxe, in towing and rowing the prize. Fortunately the wind increased in the evening, and we re-captured her at twelve o'clock at night. The Moors confessed that they came a cruising for the sole purpose of capturing Americans to be sent to Tangier. I have received a paper from them written in Moorish, which they say is their authority from the governour of Tangier for so doing. I enclose this to John Gavino Esq. with a particular request to have it safely conveyed to you, that you may be informed of the circumstance and act accordingly. I believe the governour of Tangier is much disposed for hostilities with the United States; the Moorish prisoners accuse him as the sole cause of their present situation. I sincerely hope that the capture may be productive of good effects to the United States with the Emperor, who may be assured that if he goes to war unjustly with the United States, he will lose every large cruiser he has, and God grant that it may not in the least prove a disadvantage to you. My officers and self have made it a marked point to treat the prisoners not only with the lenity that is due from humanity, but with particular attention and civility, to impress on their minds a favourable opinion of the American character. That you may receive this information as early as possible, I despatch my boat on shore at Malaga, to request William Kirkpatrick Esq. consul, to send it by express to Gibraltar. I shall be extremely anxious to hear from you, as also for the arrival of commodore Preble, to receive his instructions relative to the captured ships. I am bound to Gibraltar bay with the

prize, but am fearful we shall be detained for want of an eastwardly wind. I am, &c.

(Signed) WILLIAM BAINBRIDGE.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, RELATIVE TO MOROCCO AND TRIPOLI, DEC. 5. 1803.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE U. STATES.

I HAVE the satisfaction to inform you that the act of hostility, mentioned in my message of the 4th of November to have been committed by a cruiser of the Emperor of Morocco on a vessel of the United States, has been disavowed by the Emperor. All differences in consequence thereof have been amicably adjusted, and the treaty of 1786 between this country and that has been recognised and confirmed by the Emperor, each party restoring to the other what had been detained or taken. I enclose the Emperor's orders given on this occasion.

The conduct of our officers generally, who have had part in these transactions, has merited entire approbation. The temperate and correct course pursued by our consul, Mr. Simpson, the promptitude and energy of commodore Preble, the efficacious co-operation of captains Rodgers and Campbell of the returning squadron, the proper decision of captain Bainbridge, that a vessel which had committed an open hostility was of right to be detained for inquiry and consideration, and the general zeal of the other officers and men, are honourable facts which I make known with pleasure. And to these I add, what was indeed transacted in another quarter, the gallant enterprize of captain Rodgers in destroying on the coast of Tripoli, a corvette of that power of twenty-two guns. I recommend to the consideration of Congress a just indemnification for the interests of the captors of the Meshouda and Mirboha, yielded by them for the publick accommodation.

TH: JEFFERSON.

[TRANSLATION.]

PRAISE be given to God alone. May God be propitious to our master Mahomet and to his family.

[Imperial Seal.]

Know all those who shall see this noble writing—all our governours—those encharged with our affairs, and captains of our vessels, that the American nation are still as they were in peace and friendship with our person exalted by God.

Their vessels are safe both at sea and in port, and so are their merchants, and you are not to disturb the peace between us and them. What has happened with their and our vessels has only been an affair among the vessels, but the said nation continues respected as they were with us, and under all security, and equally so their vessels.

Wherefore we hereby order that all those of our governours—those encharged with the command of our ports, and captains of our vessels who shall see this writing, that they act in all respects for the fulfilment of this order, and that they do not deviate therefrom—those who contravene it will be punished with a severe punishment.

This order was given on the 21st Chemadi, the second in the year 1218 (9th October, 1803,) and at last we are in peace and friendship with the said American nation, as our father (to whom God be merciful) was according to the treaty made on the 1st day of Rhamadan, in the year 1200.

The original of the foregoing was translated from Arabic to Spanish by Dr. Manuel de Baccas, and from Spanish to English by (Signed) JAMES SIMPSON.

Certified at Tangier, Oct. 13, 1803.

[TRANSLATION.]

PRAISE be given to the only God. May God be propitious to our master Mahomet and to his family.

[Imperial Seal.]

Our servant the governour Ben Abdel Sadak, and all officers of our part of Mogadore—May God assist you—Peace with the mercy and blessing of God be with you.

Know ye, that the Almighty having reconciled what had happened with the American nation because of the acts of the vessels, and that we are now as we were before with them in peace and friendship, as settled with our father, to whom God be merciful—Take care—Take care that none of you do any thing against them, or shew them any disrespect or disregard, for they are as they were in friendship and in peace, and we have increased our regard for them, in consequence of the friendship they have manifested to our person which God has exalted. And we order that you be careful and be diligent in all their concerns, and we order that you do well with their vessels and with their merchants. Peace be with you all.

24th Chemadi the second 1218—Oct. 12, 1803.

The original of the foregoing was translated from the Arabic to Spanish by Dr. Manuel de Baccas, and from Spanish to English by

(Signed)

JAMES SIMPSON.

Certified at Tangier, October 17, 1803.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE OF THE UNITED STATES, DEC. 5, 1803.

TO THE SENATE OF THE UNITED STATES,

IN compliance with the desire of the Senate, expressed in their resolution of the 22d of November, on the impressment of seamen in the service of the United States by

the agents of foreign nations, I now lay before the Senate a letter from the Secretary of State, with a specification of the cases of which information has been received.

TH: JEFFERSON.

December 5, 1803.

Letter from the Secretary of State to the President.

DEPARTMENT OF STATE,

DECEMBER 2, 1803.

SIR,

AGREEABLY to a resolution of the Senate, passed on the 22d of last month, requesting the President of the United States to cause to be laid before them such information as may have been received, relative to the violation of the flag of the United States, or to the impressment of any seamen in the service of the United States, by the agents of any foreign nation, I do myself the honour to transmit to you the enclosed abstract of impressments of persons belonging to American vessels, which, with the annexed extracts from the letters of some of our agents abroad, comprises all the information on the subject that has been received by this department since the report to Congress, at its last session, relative to seamen. To the first mentioned document I have added a summary, showing the number of citizens of the United States impressed, and distinguishing those who had protections as citizens; those who are stated to be natives of the British dominions, and not stated to be naturalized as citizens; and those of all other countries, who are equally not stated to have been naturalized in the United States.

Another source of injury to our neutral navigation has taken place in the blockade of Guadaloupe and Martinique, as notified in the annexed letter from Mr. Barclay, consul general of his Britannic Majesty for the Eastern States.

Beside the above, I have received no official information of any material violations of our flag during the present European war, except in the recent aggressions of the Emperor of Morocco.

With very high respect, I have the honour to be, sir,
your most obedient servant, JAMES MADISON.

The President of the United States.

Abstract of Impressments of Seamen belonging to American Vessels, by the Agents of Foreign Nations.

Edward Bass, a native of Philadelphia, impressed at London some time in March or April last, and put on board of the *Mars*. This man had been impressed into the British service during the late war, and was confined therein until peace. Upon the breaking out of war again, as he was on the point of departing for this country, he was impressed a second time into the British service. He was without a custom house protection.

Robert Carter Gilliam, native of Sussex county, Virginia, impressed from the American vessel *Warren*, then lying at the port of London, in March or April last. He was without a protection.

John Leland Wade, native of Bristol county, Massachusetts, (having lost his protection) was impressed at Liverpool in April last, from the brig *Mehala Windsor*, and put into the *Courageux*.

William Wall, *Henry Clark*, and *James Clark*, Irishmen, not stated to be citizens of the United States, impressed at London the 10th May, from the American ship *Industry*. No protections.

Christopher Tillinghast, native of North Kingston, Rhode Island, impressed into the British ship *Loire*, off Ireland, on the high seas, on the 20th May, from the American ship *Sterling*. Without a protection.

John Robberts and *John Buckham*, the former a Dane and the latter a Swede, impressed on the 25th May, in the North sea, from the American ship *Shepherdess*, *John Bryan*, master, into the British frigate *Amelia*, *Lord Proby*, master. Without protections.

Barnabas Otis, jun. native of Plymouth, Mass. impressed on the 29th May, in the English channel, into the Bri-

tish frigate *Immortalité*, — Owens, commander, from the American brig *Hannah*. No protection.

Samuel Wilson, a native of Maryland, *Andrew Sampson*, and *Peter Thompson*, natives of Curacao, and Norway, but American citizens, impressed on the 31st May, 1803, from the American ship *Martha*, Henry Waddel, master, at London. Without protections.

William Brown, a citizen of the United States, impressed at Cuxhaven, on the 5th June, from the American schooner *Astrea*, and put into the British frigate *Ame-thyst*. He had a protection.

John Daniel Kessler, *John Anderson*, and *Michael Jones* impressed on the 6th June, from the American ship *William and Jane*, off the port of Cork, and put into the British ship *Loire*. It is not stated that they are American citizens, or that they had protections.

Richard Rodman, on the 7th June, 1803, impressed at Hull, England, into the British service, from the American ship *Atlas*, Sweeny Wilson, master. It is not stated whether he had a protection, or of what country he is a citizen.

Dennis Sweeny, a native of Ireland, and without a protection, impressed on the 7th June, in the North sea, into the British frigate *Amelia*, Lord Proby, master, from the American ship *Washington*.

William Ireland, native of Suffolk county, New York, impressed from the American ship *Alknomac*, John Gore, master, at Falmouth, Jamaica, by a press gang belonging to the *Desirée*, Capt. Ross, or the armed brig *Racoon*, though he showed a protection given by the collector at New York, dated 26th April last. This impressment was made on the 22d June last.

John Dirks, *Peter German*, and *James Peterson*, natives of Denmark, impressed on the 29th June, from the barque *Pallas*, an American vessel, then lying at London. They had no protections.

Hiram Chaples, (a native of New York, but it is not stated that he had a protection,) was impressed on the 3d

day of July, from the American ship *Charleston*, Jos. Wyer, master, about twenty leagues from Sandy Hook, into the British frigate *Cambrian*.

Joseph Simonds, and *Sylvester Pendleton*, native Americans and residents of New York, and *John Table*, a black man, impressed about the 7th July, off the Texel, from the American schooner *Recovery*, Josiah Shackford, master, into the British sloop of war *Harpy*, Edmund Heywood, commander. Without protections.

Ephraim Vanduser, an American citizen and native of New York, with a protection as such, impressed from the schooner *Perseverance*, Daniel Coyle, master, on the 18th July, off Tiberoon, into the British sloop of war *Snake*.

Josiah Hunt, native of Newburyport, Mass. impressed the 17th July last, from the American brig *John*, Jona. Titcomb, into the British ship *Emerald*, then in sight of Martinico. Without a protection.

John Whiting, native of Gloucester, Mass. impressed at the same time, from and into the same vessel. No protection in this case.

Nathaniel Keene, an American citizen, who had been in slavery at Algiers, and who had a protection, which he left, through forgetfulness, at New York, impressed on the 18th July, at Folkstone, into the British service, from the American ship *Maryland*, John Wickham, master.

Joseph Stevens, an American citizen, with a protection as such, impressed from the schooner *Perseverance*, Daniel Coyle, Master, on the 18th July, off Tiberoon, into the British sloop of war *Snake*.

William Evans, an Englishman, without a protection, and *Thos. Challis*, an American citizen, impressed at Cork on the 19th and 26th June, from the American ship *Joseph*, James Jameson, master.

James Emerson, native of Lincoln county, Mass. impressed from the American schooner *Harriet*, Nathaniel Knight, master, into the British schooner *St. Lucia*, — Shipley, master, then lying in the road of Basseterre, on the night of the 20th July. No protection.

Benjamin Elldridge, and *William Finney*, natives of Falmouth, Mass. impressed on the 20th July from the American schooner *Hannah*, in the road of Basseterre, into the British schooner *St. Lucia*, — Shipley, master. No protection.

Three seamen, names unknown, belonging to the American vessel *Mark and Mary*, *John Mooklar*, master, were impressed, on the 29th July, into the Emerald British vessel, Capt. O'Brien, near the north end of Martinico, though the vessel from which they were taken was then in a leaky condition. Under these circumstances, Capt. Mooklar was ordered to leave the coast of Martinico, as the island was blockaded, and he put into Dominico, but could stay there only a very thort time, from the violence of the sea, which set into the harbour. He again put to sea, and, before his return to Dominico, sustained considerable loss in the washing overboard of a great part of his deck cargo, which consisted of lumber. One of the men impressed had a custom house protection.

William Whipp, native of Newhaven, Connecticut, and *John Simpson*, of Virginia, impressed into the British sloop of war *Sylph*, July 30th, 1803, on the high seas, from the American ship *Phaeton*, — Boush, master. No protections.

George Arnold, native of Great Britain, and *John Williamson*, a Swede, both without protections, impressed the 31st July, on board the British frigate *Cambrian*, Wm. Bradley, commander, from the American ship *Venus*, Lemuel Bruce, master, upon the high seas.

Two seamen, citizens of the United States, and possessed of protections as such, which they shewed to the British officers, impressed into the British frigate *Boston*, Capt. Douglas, just after she had passed the territorial line of the United States, about the last of July.

William Liddle, it is not stated whether he be a citizen of the United States, impressed from the Juno the 3d Aug. on her passage from Norfolk to Amsterdam, into the British frigate *Thetis*.

John M'Evoy, (an Englishman, and without a protection) impressed from the American brig *Paisly*, John Jackways, master, on the 9th August, into the British frigate *Boston*, captain Douglas, off the Chesapeake.

James Furnish, mate, and *Neill Lang*, seaman, of the American brig *Drake*, on her voyage to Barbadoes, were impressed the 12th Aug. last, upon the high seas, into a British frigate, name of which is not known. The crew which remained in the *Drake* was found to be too weak for working her, in consequence of which the captain was obliged to put into Antigua, the nearest port that he could make, to the great loss of the adventure.

David Kitchell, a native citizen of the United States, at the mouth of Delaware Bay, was impressed into the British ship *Leander*, capt. Cain, the 22d August, 1803, from the American sloop *Hiland*, John Hand, master, on a voyage from Philadelphia to Alexandria. Kitchell, it is believed, was without a custom house protection.

Oliver Harris, native of Boston, on the 14th August, was impressed into the British ship *Blenheim*, from the American schooner *Harriet*, near the island of Martinique. No protection in this case.

Charles Tracy, an American citizen, impressed on the 25th August from the ship *Marion*, Wm. D. Seton, off Delaware, into a British frigate, name unknown. No protection.

James Davis and *Henry Wood*, black men, impressed at Liverpool, on the 1st Sept. from the American ship *Chatham*. No protections.

Samuel Robinson, an American, with a protection, *Christian Moldenham* and *Christian Lowman*, Danes, with Danish protections, impressed the 5th Sept. on the high seas, from the American ship *Flora*, Caleb Harrison, master, into the British frigate *Cambrian*.

Thomas Doyle, native of Philadelphia, and a seaman belonging to the American brig *Hector*, impressed at Lisbon, the 6th Sept. into the British sloop of war *Bittern*, then at that port. Doyle had a protection.

Samuel Watt, Andrew Pace, and John Davis, the former having a protection as an American citizen, and the two latter being natives and subjects of Great Britain, were impressed on the 11th September from the American ship *Charlotte*, Thos. Hasam, master, about ten miles east of Cape May, into the British sloop of war *Driver*.

James Matthews, chief mate of the schooner *Amazon*, John Murray, master, impressed on the 14th September 1803, into the British armed brig *Geochi Pine*, in the W. Indies. No protection.

William Watson, a native of Connecticut and with a protection, impressed the 29th September from the American ship *Ontario*, Seaman Weeks, master, into the British frigate *Cambrian*, upon the high seas.

Thomas Cook and George Wilson, the former a native of New York, the latter of Scotland, both without protections, impressed October 1st from the ship *American Packet*, Solomon Swain, master, at sea, about 8 leagues from the light house at Sandy Hook, into the British frigate *Perseverance*.

Henry Cobb, native of Falmouth, Massachusetts, impressed into the *Loire*, British ship. It was not stated when, or whether he had a protection.

Daniel Walker, native of Philadelphia, impressed from the American ship *Fox*, into the British frigate *Boston*. No protection, and the time of impressment not stated.

Jesse Dillings, native of Wethersfield, Connecticut, impressed into the *Dreadnought*, British ship. No protection, time not stated.

Richard Johnson, native of Middletown, Connecticut, impressed into the British service. No protection, time not stated.

Joseph Mace, native of Newburyport, Massachusetts, impressed into the British ship *Isis*. No protection, time not stated.

Samuel Hills, native of Providence, R. I. impressed into the English ship *Britannia*. He had a protection. Time not stated.

Henry Kipp, a native of *Hamburgh* and a naturalized

citizen of the United States, impressed into the British frigate *Endymion*, from the American ship *Eagle*. No protection. Time not stated.

William Chandler, a British subject, taken into the English service at Falmouth, Jama. from the American ship *Anna*, Caleb Johnson, master. No protection.

William Fegarie, belonging to the American brig *Sally*, claimed by the French at St. Pierres, Guadaloupe, as a citizen of France, and kept as such. Time not stated.

Nicholas Bullea, by birth a Frenchman, impressed into the service of France, from the American brig *Joseph*, at St. Pierres. Time not stated.

John Nicholson, a black man, with a certificate of freedom, impressed from the American brig *Canton* at Surinam on the 5th October, into a Dutch frigate.

Summary of Impressments by the British from American vessels :

Forty-three impressments of citizens of the United States appear to have been made, of whom twelve had protections:

Ten, of natives of the British dominions, and not stated to be naturalized as American citizens: and

Seventeen, of all other countries, who are not stated to have been naturalized in the United States.

Summary of Impressments by the Agents of other powers, from American vessels :

Two, by the agents of France :

One, by the agents of the Batavian Republick.

Department of State, December 2, 1803.

Extract of a Letter from James Maury, Esq. Consul of the United States at Liverpool, to the Secretary of State, dated March, 24, 1803.

“ I HAD the honour to write to you on the 25th ultimo, since which the alarm of war has occasioned a great press for seamen. Many of ours, confident, as I suppose, in the continuance of peace, had not taken the caution before

leaving home, to be furnished with regular documents of citizenship, which exposes them to impressment."

Extract of a Letter from John W. Fox, Esq. Consul of the United States at Falmouth, to the Secretary of State, dated May 14, 1803.

"THE impress is very severe. The citizens of the United States are not molested; two or three without protections and on board British ships have been taken. I have made application for their release, but it is necessary that the seamen should bring certificates of their citizenship with them, otherwise they will run great risk of being impressed."

Extract of a Letter from Wm. Savage, Esq. Agent of the United States for the relief and protection of their seamen at Jamaica, to the Secretary of State, dated June 25, 1803.

"THERE has been a hot press throughout this island. In this port about sixty seamen have been taken out of American vessels, immediately after which I made application to the admiral, who liberated the American citizens. Some few vessels on the north side have lost their men, and have experienced distress from the measure. The names of the persons impressed I have a minute of, and on the arrival of the frigates in which they are, I shall make application for their discharge."

Copy of a letter from Thomas Barclay, Esq. Consul General of his Britannic Majesty for the eastern states of the United States, to the Secretary of State, dated October 20, 1803.

SIR,

I HAVE the honour to enclose you the copy of a letter, which I yesterday received from commodore Hood, commander in chief of his majesty's ships of war on the windward station, notifying the blockade of the islands of Martinique and Guadaloupe by the squadron under his command. I have the honour, &c. &c.

(Signed)

THOMAS BARCLAY.

[COPY.] *Centaur, off Martinique, July 25, 1803.*

SIR,

I BEG you will have the goodness to acquaint the American government, and agents of neutral nations, the islands of Martinique and Guadaloupe are, and have been blockaded by detachments of his majesty's squadron, under my command, since the 17th June last, that they may have no plea for attempting to enter the ports of those islands. By your acknowledging the receipt of this, you will greatly oblige, Sir, your most obedient humble servant,

(Signed)

SAMUEL HOOD,

Commodore and Commander in Chief.

Thomas Barclay Esq. Consul General, &c.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, JANUARY
16, 1804.

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE U. STATES.

IN execution of the act of the present session of Congress for taking possession of Louisiana, as ceded to us by France, and for the temporary government thereof, Governour Claiborne, of the Mississippi territory, and General Wilkinson, were appointed Commissioners to receive possession. They proceeded, with such regular troops as had been assembled at Fort Adams from the nearest posts, and with some militia of the Mississippi territory, to New Orleans. To be prepared for any thing unexpected which might arise out of the transaction, a respectable body of militia was ordered to be in readiness in the states of Ohio, Kentucky, and Tennessee, and a part of those of Tennessee was moved on to the Natchez. No occasion, however, arose for their services. Our commis-

sioners, on their arrival at New Orleans, found the province already delivered by the commissaries of Spain to that of France, who delivered it over to them on the 20th day of December, as appears by their declaratory act accompanying this. Governour Claiborne, being duly invested with the powers heretofore exercised by the Governour and Intendant of Louisiana, assumed the government on the same day, and, for the maintenance of law and order, immediately issued the proclamation and address now communicated.

On this important acquisition, so favourable to the immediate interests of our Western citizens, so auspicious to the peace and security of the nation in general, which adds to our country territories so extensive and fertile, and to our citizens new brethren to partake of the blessings of freedom and self-government, I offer to Congress and our country my sincere congratulations.

TH: JEFFERSON.

January 16, 1804.

CITY OF NEW ORLEANS, DEC. 20, 1803.

SIR,

WE have the satisfaction to announce to you, that the province of Louisiana was this day surrendered to the United States by the commissioner of France; and to add, that the flag of our country was raised in this city amidst the acclamations of the inhabitants.

The enclosed is a copy of an instrument of writing, which was signed and exchanged by the commissioners of the two governments, and is designed as a record of this interesting transaction.

Accept assurances of our respectful consideration.

WILLIAM C. C. CLAIBORNE,
JA: WILKINSON.

The Hon. JAMES MADISON, Secretary of State,
City of Washington.

THE undersigned William C. C. Claiborne and James Wilkinson, commissioners or agents of the United States, agreeable to the full powers they have received from Thomas Jefferson, President of the United States, under date of the 31st. October, 1803, and twenty-eighth year of the Independence of the United States of America, (8 Brumaire, 12 year of the French Republick) counter-signed by the Secretary of State, James Madison, and citizen Peter Clement Laussat, Colonial Prefect, and commissioner of the French Government for the delivery in the name of the French Republick of the country, territories and dependencies of Louisiana, to the commissioners or agents of the United States, conformably to the powers, commission, and special mandate which he has received in the name of the French people from citizen Buonaparte, first consul, under date of the 6th June, 1803, (17 Prairial, 11 year of the French Republick) counter-signed by the Secretary of State, Hugues Maret, and by his excellency the minister of marine and colonies, Decrees, do certify by these presents, that on this day, Tuesday the 20th December, 1803 of the christian era, (28th Frimaire, 12 year of the French Republick) being convened in the hall of the Hotel de Ville of New Orleans, accompanied on both sides by the chiefs and officers of the army and navy, by the municipality and divers respectable citizens of their respective republicks, the said William C. C. Claiborne and James Wilkinson delivered to the said citizen Laussat their aforesaid full powers, by which it evidently appears that full power and authority has been given them jointly and severally to take possession of and to occupy the territories ceded by France to the United States by the treaty concluded at Paris on the 30th day of April last past, (10th Florial) and for that purpose to repair to the said territory and there to execute and perform all such acts and things, touching the premises, as may be necessary for fulfilling their appointment conformable to the said treaty and the

laws of the United States ; and thereupon the said citizen Laussat declared that in virtue of and in the terms of the powers, commission and special mandate dated at St. Cloud, 6th June 1803 of the Christian era (17th Prairial 11 year of the French Republick) he put from that moment the said Commissioners of the United States in possession of the country, territories and dependencies of Louisiana, conformably to the 1. 2. 4 and 5th articles of the treaty and the two conventions, concluded and signed the 30 April 1803, (10 Floreal 11th year of the French Republick) between the French Republick and the United States of America by citizen Francis Barbe Marbois, minister of the Publick Treasury, and Messieurs Robert R. Livingston and James Munroe, ministers plenipotentiary of the United States, all three furnished with full powers, of which treaty and two conventions the ratifications, made by the first Consul of the French Republick, on the one part, and by the President of the United States, by and with the advice and consent of the Senate, on the other part, have been exchanged and mutually received at the city of Washington, the 21 October 1803, 28 Vendemaire 12 year of the French Republick, by citizen Louis Andre Pichon, *charge des affaires* of the French Republick, near the United States, on the part of France, and by James Madison, secretary of state of the United States, on the part of the United States, according to the *proces verbal* drawn up on the same day ; and the present delivery of the country is made to them, to the end that, in conformity with the object of the said treaty, the sovereignty and property of the colony or province of Louisiana may pass to the said United States, under the same clauses and conditions as it had been ceded by Spain to France, in virtue of the treaty concluded at St. Ildefonso, on the 1 October, 1800 (9th Vendemiare, 9 year) between these two last powers, which has since received its execution by the actual re-entrance of the French republick into possession of the said colony or province.

And the said citizen Laussat in consequence, at this pre-

sent time, delivered to the said commissioners of the United States, in this publick sitting, the keys of the city of New-Orleans, declaring that he discharges from their oaths of fidelity towards the French Republick, the citizens and inhabitants of Louisiana, who shall choose to remain under the dominion of the United States.

And that it may for ever appear, the undersigned have signed the *proces verbal* of this important and solemn act, in the French and English languages, and have sealed it with their seals, and have caused it to be countersigned by their secretaries of commission, the day, month and year above written.

(Signed)

WM. C. C. CLAIBORNE, [L.S.]

JAMES WILKINSON, [L.S.]

LAUSSAT, [L.S.]

PROCLAMATION

By his Excellency WILLIAM C. C. CLAIBORNE, Governour of the Mississippi Territory, exercising the powers of Governour General and Intendant of the province of Louisiana.

WHEREAS, by stipulations between the governments of France and Spain, the latter ceded to the former the Colony and Province of Louisiana, with the same extent which it had at the date of the abovementioned treaty in the hands of Spain, and that it had when France possessed it, and such as it ought to be after the treaties subsequently entered into between Spain and other states; and whereas the government of France has ceded the same to the United States by a treaty duly ratified, and bearing date the 30th of April, in the present year, and the possession of said colony and province is now in the United States, according to the tenor of the last mentioned treaty; and whereas the Congress of the United States, on the 31st day of October, in the present year, did enact that until the expiration of the session of Congress then sitting, (unless provisions for the temporary government of the said territories be sooner

made by Congress,) all the military, civil and judicial powers, exercised by the then existing government of the same, shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct, for the maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion; and the President of the United States has by his commission, bearing date the same 31st day of October, invested me with all the powers, and charged me with the several duties heretofore held and exercised by the governour general and Intendant of the province:

I HAVE, therefore, thought fit to issue THIS MY PROCLAMATION, making known the premises, and to declare, that the government heretofore exercised over the said province of Louisiana, as well under the authority of Spain as of the French Republick, has ceased, and that of the United States of America is established over the same; that the inhabitants thereof will be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; that in the mean time they shall be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess; that all laws and municipal regulations, which were in existence at the cessation of the late government, remain in full force; and all civil officers charged with their execution, except those whose powers have been specially vested in me, and except also such officers as have been entrusted with the collection of the revenue, are continued in their functions, during the pleasure of the governour for the time being, or until provision shall otherwise be made.

And I do hereby exhort and enjoin all the inhabitants, and other persons within the said province, to be faithful and true in their allegiance to the United States, and obedient to the laws and authorities of the same, under full

assurance that their just rights will be under the guardianship of the United States, and will be maintained from all force or violence from without or within.

In testimony whereof I have hereunto set my hand.

Given at the city of New-Orleans, the 20th day of December, 1803, and of the independence of the United States of America the 28th.

WM. C. C. CLAIBORNE.

The Governours Address to the Citizens of Louisiana.

Fellow Citizens of Louisiana,

ON the great and interesting event now finally consummated—an event so advantageous to yourselves, and so glorious to United America, I cannot forbear offering you my warmest congratulations. The wise policy of the consul of France has, by the cession of Louisiana to the United States, secured to *you* a connection beyond the reach of change, and to your posterity the sure inheritance of freedom. The American people receive you as brothers; and will hasten to extend to you a participation in those inestimable rights, which have formed the basis of their own unexampled prosperity. Under the auspices of the American government, you may confidently rely upon the security of your liberty, your property, and the religion of your choice. You may with equal certainty rest assured, that your commerce will be promoted and your agriculture cherished; in a word, that your true interests will be among the primary objects of our national legislature. In return for these benefits, the United States will be amply remunerated, if your growing attachment to the constitution of our country, and your veneration for the principles on which it is founded, be duly proportioned to the blessings which they will confer. Among your first duties, therefore, you should cultivate with assiduity among yourselves the advancement of political information; you should guide the rising generation in the paths of republican economy and virtue; you should encourage literature, for without the advantages of education your descendants

will be unable to appreciate the intrinsic worth of the government transmitted to them.

As for myself, fellow citizens, accept a sincere assurance, that, during my continuance in the situation in which the President of the United States has been pleased to place me, every exertion will be made on my part to foster your internal happiness, and forward your general welfare, for it is only by such means that I can secure to myself the approbation of those great and just men who preside in the councils of our nation.

WILLIAM C. C. CLAIBORNE.

New-Orleans, Dec. 20, 1803.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO BOTH
HOUSES OF CONGRESS. NOV. 8, 1804.

To a people, fellow citizens, who sincerely desire the happiness and prosperity of other nations, to those who justly calculate that their own well being is advanced by that of the nations with which they have intercourse, it will be a satisfaction to observe, that the war, which was lighted up in Europe a little before our last meeting, has not yet extended its flames to other nations, nor been marked by the calamities which sometimes stain the footsteps of war. The irregularities too on the ocean, which generally harrass the commerce of neutral nations, have, in distant parts, disturbed ours less than on former occasions. But, in the American seas, they have been greater from peculiar causes; and even within our harbours and jurisdiction, infringements on the authority of the laws have been committed, which have called for serious attention. The friendly conduct of the governments, from whose officers and subjects these acts have proceeded, in other re-

spects, and in places more under their observation and control, gives us confidence, that our representations on this subject will have been properly regarded.

While noticing the irregularities committed on the ocean by others, those on our own part should not be omitted, nor left unprovided for. Complaints have been received, that persons, residing within the United States, have taken on themselves to arm merchant vessels, and to force a commerce into certain ports and countries in defiance of the laws of those countries. That individuals should undertake to wage private war, independently of the authority of their country, cannot be permitted in a well ordered society. Its tendency to produce aggression on the laws and rights of other nations, and to endanger the peace of our own, is so obvious, that I doubt not you will adopt measures for restraining it effectually in future.

Soon after the passage of the act of the last session, authorizing the establishment of a district and port of entry on the waters of the Mobile, we learnt that its object was misunderstood on the part of Spain. Candid explanations were immediately given, and assurances that, reserving our claims in that quarter as a subject of discussion and arrangement with Spain, no act was meditated in the mean time inconsistent with the peace and friendship existing between the two nations; and that conformably to these intentions would be the execution of the law. That government had, however, thought proper to suspend the ratification of the convention of 1802. But the explanations which would reach them soon after, and still more the confirmation of them by the tenour of the instrument establishing the port and district, may reasonably be expected to replace them in the dispositions and views of the whole subject, which originally dictated the convention.

I have the satisfaction to inform you that the objections which had been urged by that government, against the validity of our title to the country of Louisiana, have been withdrawn; its exact limits however remaining still to be settled between us. And to this is to be added, that, hav-

ing prepared and delivered the stock created in execution of the convention of Paris, of April 30, 1803, in consideration of the cession of that country, we have received from the government of France an acknowledgment in due form of the fulfilment of that stipulation.

With the nations of Europe, in general, our friendship and intercourse are undisturbed, and from the governments of the belligerent powers especially we continue to receive those friendly manifestations, which are justly due to an honest neutrality, and to such good offices consistent with that as we have opportunities of rendering.

The activity and success of the small force employed in the Mediterranean in the early part of the present year, the reinforcement sent into that sea, and the energy of the officers having command in the several vessels, will, I trust, by the sufferings of war, reduce the barbarians of Tripoli to the desire of peace on proper terms. Great injury however ensues, to ourselves as well as to others interested, from the distance to which prizes must be brought for adjudication, and from the impracticability of bringing hither such as are not seaworthy.

The Bey of Tunis having made requisitions unauthorized by our treaty, their rejection has produced from him some expressions of discontent. But to those who expect us to calculate whether a complianee with unjust demands will not cost us less than a war, we must leave as a question of calculation for them also whether to retire from unjust demands will not cost them less than a war. We can do to each other very sensible injuries by war. But the mutual advantages of peace make that the best interest of both.

Peace and intercourse with the other powers on the same coast continue on the footing on which they are established by treaty.

In pursuance of the act providing for the temporary government of Louisiana, the necessary officers for the territory of Orleans were appointed in due time to commence the exercise of their functions on the first day of October. The distance however of some of them, and indispensable

previous arrangements, may have retarded its commencement, in some of its parts, the form of government thus provided having been considered but as temporary, and open to such future improvements as further information of the circumstances of our brethren there might suggest, it will of course be subject to your consideration.

In the district of Louisiana it has been thought best to adopt the division into subordinate districts which had been established under its former government. These being five in number, a commanding officer has been appointed to each, according to the provisions of the law, and so soon as they can be at their stations, that district will also be in its due state of organization. In the mean time their places are supplied by the officers before commanding there ; and the functions of the governour and judges of Indiana having commenced, the government, we presume, is proceeding in its new form. The lead mines in that territory offer so rich a supply of that metal as to merit attention. The report now communicated, will inform you of their state, and of the necessity of immediate inquiry into their occupation and titles.

With the Indian tribes established within our newly acquired limits, I have deemed it necessary to open conferences, for the purpose of establishing a good understanding and neighbourly relations between us. So far as we have yet learned, we have reason to believe that their dispositions are generally favourable and friendly, and, with these dispositions on their part, we have in our own hands means which cannot fail us for preserving their peace and friendship. By pursuing an uniform course of justice towards them, by aiding them in all the improvements which may better their condition, and especially by establishing a commerce on terms which shall be advantageous to them, and only not losing to us ; and so regulated, as that no incendiaries of our own, or any other nation, may be permitted to disturb the natural effects of our just and friendly offices, we may render ourselves so necessary to their comfort and prosperity, that the protection of our citizens from their disorderly

members will become their interest and their voluntary care. Instead, therefore, of an augmentation of military force, proportioned to our extension of frontier, I propose a moderate enlargement of the capital employed in that commerce, as a more effectual, economical, and humane instrument for preserving peace and good neighbourhood with them.

On this side the Mississippi an important relinquishment of native title has been received from the Delawares.— That tribe, desiring to extinguish in their people the spirit of hunting, and to convert superfluous lands into the means of improving what they retain, have ceded to us all the country between the Wabash and Ohio, south of, and including the road from the Rapids towards Vincennes; for which they are to receive annuities in animals and implements for agriculture, and in other necessities. This acquisition is important, not only for its extent and fertility, but as, fronting three hundred miles on the Ohio, and near half that on the Wabash, the produce of the settled country descending those rivers, will no longer pass in review of the Indian frontier, but in a small portion; and, with the cession heretofore made by the Kaskaskias, nearly consolidates our possessions north of the Ohio, in a very respectable breadth from Lake Erie to the Mississippi. The Piankishaws, having some claim to the country ceded by the Delawares, it has been thought best to quiet that by fair purchase also. So soon as the treaties on this subject shall have received their constitutional sanctions, they shall be laid before both houses.

The act of Congress of February 28, 1803, for building and employing a number of gun-boats is now in a course of execution, to the extent there provided for. The obstacle to naval enterprise which vessels of this construction offer for our seaport towns; their utility towards supporting, within our waters, the authority of the laws; the promptness with which they will be manned by the seamen and militia of the place, in the moment they are wanting; the facility of their assembling from different parts of the

coast, to any point where they are required in greater force than ordinary ; the economy of their maintenance and preservation from decay, when not in actual service ; and the competence of our finances to this defensive provision, without any new burden, are considerations which will have due weight with Congress in deciding on the expediency of adding to their number, from year to year, as experience shall test their utility, until all our important harbours, by these and auxiliary means, shall be secured against insult and opposition to the laws.

No circumstance has arisen since your last session which calls for any augmentation of our regular military force. Should any improvement occur in the militia system, that will be always seasonable.

Accounts of the receipts and expenditures of the last year, with estimates for the ensuing one, will, as usual, be laid before you.

The state of our finances continues to fulfil our expectations. Eleven millions and an half, received in the course of the last year, ending on the 30th of September last, have enabled us, after meeting all the ordinary expenses of the year, to pay 3,600,000 dollars of the principal of the publick debt. This payment, with those of the two preceding years, has extinguished upwards of twelve millions of the principal, and a greater sum of interest, within that period ; and, by a proportionate diminution of interest, renders already sensible the effect of the growing sum yearly applicable to the discharge of the principal.

It is also ascertained that the revenue, accerued during the last year, exceeds that of the preceding ; and the probable receipts of the ensuing year may safely be relied on as sufficient, with the sum in the treasury, to meet all the current demands of the year, to discharge upwards of three millions and an half of the engagements incurred under the British and French conventions, and to advance, in the further redemption of the funded debt, as rapidly as had been contemplated. These, fellow citizens, are the principal matters which I have thought it necessary, at this time,

to communicate for your consideration and attention. Some others will be laid before you in the course of the session; but, in the discharge of the great duties confided to you by our country, you will take a broader view of the field of legislation. Whether the great interests of agriculture, manufactures, commerce, or navigation, can, within the pale of your constitutional powers, be aided in any of their relations? whether laws are provided in all cases where they are wanting? whether those provided, are exactly what they should be? whether any abuses take place in their administration, or in that of the publick revenues? whether the organization of the publick agents, or of the publick force, is perfect in all its parts? in fine, whether any thing can be done to advance the general good, are questions within the limits of your functions, which will necessarily occupy your attention. In these and all other matters, which you in your wisdom may propose for the good of our country, you may count with assurance on my hearty co-operation, and faithful execution.

TH: JEFFERSON.

Nov. 8, 1804.

DOCUMENT No. I.

ACCOMPANYING A MESSAGE FROM THE PRESIDENT OF THE
UNITED STATES, RECEIVED NOV. 8, 1804.

Extract of a Letter from Don Pedro Cevallos, Minister of State of his Catholic Majesty, to Charles Pinckney, Esq. dated at the Prado, Feb. 10, 1804.

“Al mismo tpo que el ministro de S. M. en los Estados Unidos esta encargado de informar al gobierno Americano sobre la falsedad del rumor indicado; tiene tambi en la orden pa manifestarle que S. M. ha tenido á bien renunciar a sus reclamaciones contra la enagenacion de la Lui-

siana hecha por Francia, son embargo de los solidos motivos en que se fundaban ; dando con esto una nueva prueba de su benevolencia y amistad a los Estados Unidos.”

TRANSLATION.

“ At the same time that the minister of his majesty in the United States is charged to inform the American government respecting the falsity of the rumor referred to, he has likewise orders to declare to it that his majesty has thought fit to renounce his opposition to the alienation of Louisiana made by France, notwithstanding the solid reasons on which it is founded : thereby giving a new proof of his benevolence and friendship towards the United States.”

Copy of a Letter from the Marquis of Casa Yrujo to the Secretary of State.

MUY SENOR mio : Las explicaciones que el Gobierno de Francia ha dado a S. M. Católica acerca de la venta de la Luisiana a los Estados Unidos, y las disposiciones amistosas de parte del Rey mi Amo a estos Estados, le han determinado a abandonar la oposición, que en una época anterior, y con motivos muy fundados, habia manifestado a la citada transacción. En consecuencia, y por orden especial de S. M. tengo el gusto de comunicar a V. S. sus reales intenciones sobre un asunto tan importante, bien persuadido de que el gobierno Americano vera en esta conducta del Rey mi Amo una nueva prueba de su consideración a los Estados Unidos, y que estos corresponderan con una verdadera reciprocidad a la amistad sincera del Rey de que le tiene dadas tantas pruebas.

Dios que a V. S. ms. as. Philadelphia 15 de May de 1804. &c. &c.

(Signed) EL MARQUIS DE CASA YRUJO.

Sor don Jayme Madison.

TRANSLATION.

SIR,

THE explanations which the government of France has given to his Catholic Majesty, concerning the sale of Louisiana to the United States, and the amicable dispositions on the part of the king my master towards these states, have determined him to abandon the opposition, which at a prior period, and with the most substantial motives, he had manifested against that transaction. In consequence and by special order of his majesty, I have the pleasure to communicate to you his royal intentions on an affair so important; well persuaded that the American government will see, in this conduct of the king my master, a new proof of his consideration for the United States, and that they will correspond with a true reciprocity, with the sincere friendship of the king, of which he has given so many proofs.

God preserve you many years. Philadelphia 15th May, 1804.

James Madison, Esq.

DOCUMENT No. II.

ACCOMPANYING A MESSAGE FROM THE PRESIDENT OF
THE UNITED STATES, NOVEMBER 8, 1804.

To all to whom these presents shall come:

WHEREAS by an act of Congress authority has been given to the President of the United States, whenever he shall deem it expedient, to cede the shores, waters, and inlets of the bay and river of Mobile, and of the other rivers, creeks, inlets, and bays, emptying into the gulf of Mexico, east of the said river Mobile, and west thereof to the Pascaguola, inclusive, into a separate district for the collection of duties on imposts and tonnage, and to establish such place within the same as he shall deem expedient to be the port of entry and delivery for such dis-

trict; and to designate such other places within the same district, not exceeding two, to be ports of delivery only.

NOW KNOW YE, that I THOMAS JEFFERSON, President of the United States, do hereby decide, that all the above-mentioned shores, waters, inlets, creeks and rivers, lying *within the boundaries of the United States*, shall constitute and form a separate district, to be denominated “The District of Mobile;” and do also designate Fort Stoddert within the district aforesaid, to be the port of entry and delivery for the said district.

Given under my hand this 30th day of May, 1804.

(Signed)

TH: JEFFERSON.



MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE OF THE UNITED STATES, JAN. 31, 1805.

ACCORDING to the desire expressed in your resolution of the 28th inst. I now communicate a report of the Secretary of State, with documents relative to complaints against arming the merchant ships and vessels of the United States, and the conduct of the captains and crews of such as have been armed.

TH: JEFFERSON.

Jan. 31, 1805.

THE Secretary of State, to whom the President of the United States has been pleased to refer the resolution of the Senate, of the 28th inst. requesting that there may be laid before the Senate such documents and papers, or other information, as the President should judge proper, relative to complaints against arming the merchant ships or vessels of the United States, or the conduct of the captains and crews of such as have been armed—has the honour to annex hereto ;—

1st. A copy of a letter, addressed to the Secretary of State, by the envoy of Great Britain, dated on the 31st of August last.

2d. An extract of a letter to the same, from the late charge des affaires of France, dated 6th May last, which was preceded and followed by other letters and conversations of the same gentleman, urging the subject upon the attention of the government. It has been also urged by the present minister of France in his interviews with the Secretary of State.

Of the enclosures alluded to in the aforesaid letter and extract, the only authenticated statement relative to the conduct of the American private armed vessels, which has been received at this department, is contained in the annexed letter from Mr. George Barnewall, of New York, and the document accompanying it.

All which is respectfully submitted,

JAMES MADISON.

Department of State, Jan. 31, 1805.

No. I.

Mr. Merry to the Secretary of State.

PHILADELPHIA, AUG. 31, 1804.

SIR,

I HAVE received information respecting several vessels which have of late been armed in, and have sailed from the different ports of the United States, some loaded with articles contraband of war, (gunpowder is said to be the general article) others with cargoes of innocent goods, and others again in ballast. After the diligent inquiry which it has been my duty to make on so important a subject, I think that I can have the honour of stating to you with certainty, that several vessels of the above description, which are mentioned to be schooner-rigged, have sailed lately from the port of Baltimore, whilst others, of a larger size, even ships of considerable burden, and completely equipped for war, have sailed from the port of Philadelphia, bound

to the possessions of his majesty's enemies in the East as well as West Indies. It is said, that the object of some of these equipments is to force a trade with the blacks, in the island of St. Domingo, in which attempt the publick prints have stated so circumstantially, as to leave no doubt on the subject, that two American vessels have been captured by French cruisers, after making resistance: but I have strong reason to believe, that the destination of others, particularly from the port of Philadelphia, has been with cargoes of contraband articles to the enemies' possessions in the East and West Indies. Let their destinations, however, be what they may, it cannot, I conceive, but be justly considered, that such armaments, on the part of the citizens of a neutral state, must be attended with consequences prejudicial to a belligerent power, and may therefore be deemed rightly as offensive, for which reason the law of nations has stated one of the first obligations of neutrality to be that of abstaining from all participation in warlike expeditions. The armed vessels alluded to, may become the property of the king's enemies, either by capture at sea, or by purchase in the ports to which they are destined, and are thus in readiness to be converted immediately into instruments of hostility against his majesty, whilst, in another point of view, they are calculated to protect the vessels, when they are loaded with contraband articles, against the lawful search and detention of a lawfully commissioned cruiser, when the latter shall happen to be of inferior force. Indeed, I conceive that it may not be giving too great an extent to the principle of the law of nations, without attending to the nature of the cargo, to consider the very arms, ammunition, and other implements of war, with which such vessels are furnished, as contraband articles, when the vessels have been thus equipped without the authority of the nation to which they belong.

I understand, sir, that the armaments in question have, in fact, taken place under no commission or authority whatever from the government of the United States. I have, therefore, thought it my duty to have the honour of

making you acquainted with the information that has reached me on this subject, and, if the observations which I have taken the liberty to make upon it should happily be conformable to the sentiments of the American government, I can safely trust to their justice, as well as to their jealousy of observing the most strict neutrality in the present war, to take such measures as shall appear to them the most proper for suppressing the illegal proceedings complained of on the part of those individuals, citizens of the United States, who shall appear to be concerned in them.

I have the honour, &c.

(Signed)

ANT. MERRY.

Hon. JAMES MADISON, Secretary of State.

No. II.

Extract of a Letter from the Charge des affaires of France dated May 7, 1804, and addressed to the Secretary of State.

[TRANSLATION.]

THE undersigned is informed in a manner, which leaves him no room to doubt it, that the American merchants, who pursue this commerce [meaning the commerce with St. Domingo] publicly arm, in the ports of the United States, vessels which are intended to support by force a traffick contrary to the law of nations, and to repel the efforts which the cruisers of the French Republic are authorized to make in order to prevent it. These armaments have also for their object to cover the conveyance of munitions to the revolted of that colony. The government of the United States cannot be ignorant of these facts which are publick: the consequences thereof have already been manifested in the West Indies, where the publick papers advise that there have been actions between the French cruisers and American vessels carrying on this commerce.

In considering the matter merely under the view of the law of nations, it is manifest that American citizens,

under the very eyes of their government, carry on a private and piratical war against a power, with which the United States are at peace. The undersigned would be wanting in his duty, if he did not vindicate, under such circumstances, the rights and dignity of his government which are openly injured, and if he did not call the attention of Mr. Madison to the disagreeable reflection which the French government would have a right to make, if the silence of the local authorities, respecting acts of this nature, should be imitated by the government of the United States.

The French government certainly could not see without a profound regret, that, after having given to the United States the most marked proofs of the desire to place the good understanding of the two nations upon the most immoveable foundations, by abandoning national interests which might have eventually produced collisions, individual interest should now be permitted to compromit this good understanding. Its regret would be still much greater, if, when the dignity and the safety of France are openly injured in the United States, by their citizens, the American government should preserve, respecting these violations, a silence, which would appear to offer an excuse, and even a sort of encouragement, to all the excesses which cupidity may attempt.—Beside that the peace of the two nations cannot but be seriously compromitted by the proceedings of the individuals, and by the reprisals to which they must necessarily lead, this state of things would infallibly tend to diminish the amicable disposition, which the two governments wish to cultivate.

No. III.

NEW YORK, SEPTEMBER 6, 1804.

SIR,

THE sufferings of innocent individuals induce me to the liberty I now take of submitting the following statement to your consideration.

In the month of June last, I despatched the ship Hopewell, Preserved Sisson, master, and the brig Rockland, Akens, master, with suitable cargoes, destined for Aux Cayes, in the Island of Hispaniola; the former armed for defence, with twelve six pound cannon, and two twelve pounders, with small arms, &c. &c. a crew of thirty-five in number, besides passengers: the latter with eight six pounders, small arms, &c. and a crew of 20 in number, besides passengers. Both these vessels were regularly cleared at the custom house of this district, and sailed on their intended voyage on the 17th of June. In the prosecution of which they were met with and captured by a privateer belonging to individuals of the Island of Guadeloupe, whither they were carried, and their crews put into close confinement. I beg leave to refer you to the documents enclosed, for the particulars of the situation in which those unfortunate men are placed.

And have the honour to be &c.

(Signed)

GEO. BARNEWALL.

James Madison, Esq.

[COPY.]

GEORGE BARNEWALL, ESQ.

SIR,—No doubt ere this you have heard of the capture of the Hopewell and brig Rockland. Owing to S. W. and S. S. W. winds, was obliged to go to the Eastward of Bermuda in lat. 27. 38. long. 61. 57. on the 30th of June at 3 A. M. saw a brig which appeared to be dogging us, and at day light she bore down upon us, hoisted an English ensign and fired a gun to leeward—we were then under all the sail we could set; but finding she came up with us very fast, we hoisted American colours and fired a gun to leeward and shortened sail—I hailed the Rockland and desired Capt. Akens to keep on our lee bow and near us, as I wished to speak the privateer first, and know what he was, before we attempted any thing—she was then on our weather quarter—the Rockland not keeping in her station

dropping more to leeward and nearly on our lee quarter, the privateer was then almost within hail of us, but immediately up helm and run along side the Rockland and commenced firing under English colours, which was returned from the brig—the Privateer being between us and the brig prevented my firing until I got in a situation to fire clear of the Rockland, which was in less than a moment, when we commenced firing to the best advantage we could—the Rockland fired only one broad side and some musketry, when she was boarded; they only left three men on board—sheered off and gave us a broad side and attempted to board us, but was repulsed by our quarter gun pikes and musketry—they then kept clear of our pikes, and played continually with all their men with nothing but musketry, our men seeing their shipmates falling, most of the landsmen quit their quarters; the privateer seeing this attempted the second time to board us by cutting our nettings, and overpowered us by numbers; was obliged to haul down our colours and quit the deck, otherwise be cut to pieces—We had three killed, four badly, and two slightly wounded; the first who fell was poor Mr. Bird; he was standing near me, he received one ball through his body and one through his head, and never after spoke a word. I begged him sometime before to go below and prepare his papers, he said they were already prepared, and would not quit the deck, in consequence of which all his papers were found; it was not my intention to engage the privateer unless I thought we were sure of getting clear, but the Rockland commencing so quick, I could not then avoid it, but even had we suffered them to board us they would have made a prize of us.—The passengers on board were sufficient to condemn us, upwards of 100 letters were found with them directed to different parts of St. Domingo, and among the passengers there were two noted generals, who were well known by the Frenchmen; and among Mr. Bird's papers were found instructions from Mr. Lapeire, pointing out the whole plan of the voyage; many other letters were found with Mr. Bird's papers, all of which tended to condemn the

ship, which they shewed me at Point Petre, when I was examined.

When they boarded us, nothing saved our lives but their thinking that we were English, and asked us how we dare engage under American colours, and did not believe that we were Americans even after we arrived. After the Rockland was boarded, we engaged the privateer close on board for forty minutes, when the black general, a passenger, found we were captured, he ran below with a pistol with an intention to blow the ship up, and with much difficulty we prevented it, he set all the cartridges on fire in the cabin and steerage, which were in pouch tubs, and only my laying the magazine scuttle over saved the ship and our lives; when he found he could not blow the ship up, he put the pistol to his own head and blew his own brains out. The privateer took out all the passengers, officers, and men, except myself, carpenter, two boys, and one of our men badly wounded. The privateer continued with us until we arrived in this port, which was on the 17th July, and were immediately put all together in a most miserable prison, with nothing to eat but stinking beef and coarse bread, and very short even of that; they will not suffer me to see any Americans, nor have any communications with anybody. There is a schooner called the Snake in the Grass, bought in New York, and fitted out at Salem, with five guns, taken and brought here a few days before me; one of the mates is allowed to go out at times, and this was the only opportunity I had to write. They say that orders have gone to America, that every vessel bound to St. Domingo, if taken, shall be treated as pirates. God only knows what they mean to do with us. I beg you will do all in your power to get our government to claim us, otherwise I do not know what they may do; they seem to be inveterate against the Americans, and even told me every ship and captain's names that were armed from New York.

Capt. Akens had his mate killed and one man, and several wounded, himself wounded and died at this place on the 22d instant.

The schooner Snake in the Grass was commanded by James Mansfield, who is also in prison, with all his men—the vessel will be condemned, although they did not fire a shot. As no protest can be made here, I thought it best to let the officers sign this letter with me—several large privateers are getting ready to go down in the Bite after the Americans; the privateer that took us was the brig Frebriskey, captain Antwan, with ten long French sixes, two twelve pound cannonades, one long eighteen pounder, and a hundred and fifty men. The French seem to be very inveterate against the Americans, and insult us as they pass the prison. All that I can say more is to request you to do what you can with our government, to claim us as Americans. I trust, when the manner in which the French privateer engaged us under English colours, it will be a sufficient reason for them to claim us. All that I can say more is, that your ship and property was defended with spirit until overpowered by numbers.

I am sir, &c. (Signed)

P. SISSON.

MAHLON BENNET,
JAMES ROSS, junr.

Guadaloupe, Point-Petre, July 26, 1804.

N. B. You will please to excuse any fault in this letter, as I am so closely watched.

State of New York, United States of America, ss.

[L. s.]

I William Popham, notary publick, duly admitted and sworn, dwelling in the city of New York, and having power, by commission under the great seal of the State of New York, to attest deeds, wills and all other writings, and also to administer oaths and grant certificates thereof, do hereby certify, declare, and make known unto all persons to whom these presents shall come, or may in any wise concern, that the foregoing is a just, true, and perfect copy of an original letter, (whereof it purports to be a copy) this day handed to me by George Barnewall of the city of New York, merchant, in order to have a notarial copy

made thereof, I, the said notary having carefully compared and examined the said copy, with the said original letter, and found the same to agree therewith word for word, and figure for figure. And I, the said notary, do hereby further certify and declare, that the day of the date thereof, before me personally came and appeared, Dominick Purcell, of the said city of New York, gentleman, who being by me duly sworn, did solemnly depose and declare, that he was well acquainted with the hand writings and signatures of Preserved Sisson, the master, and Mahlon Bennet the first mate of the ship Hopewell, of this port, and that he verily believes the names "P. Sisson, and Mahlon Bennet" set and subscribed to the said original letters, are of the respective hand writings and signatures of the said Preserved Sisson, and Mahlon Bennet. And he further deposeth and sayeth, that James Ross, jun. who hath also signed the said original letter, sailed from this port in the capacity of second mate of the said ship Hopewell, and further he saith not.

(Signed)

DOMINICK PURCELL.

Of all which, I the said notary do now make this publick act, that the same may serve and be of full force and value as of right it shall appertain.

In testimony whereof, the said Dominick Purcell hath subscribed the foregoing deposition, and I, the said notary, have hereto subscribed my name, and affixed my seal of office at the city of New York, the twenty-first day of August, in the year of our Lord one thousand eight hundred and four, and of the Independence of the United States of America, the twenty-ninth.

(Signed)

WILLIAM POPHAM, *Not. Pub.*

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE AND HOUSE OF REPRESENTATIVES OF THE
UNITED STATES, FEB. 5, 1805.

THE Secretary of State has lately received a note from the Danish charge des affaires, claiming, in the name of his government, restitution, in the case of the brig Heinrich, communicated to congress at a former session; in which note were transmitted sundry documents, chiefly relating to the value and neutral character of the vessel, and to the question whether the judicial proceedings were instituted and conducted without the concurrence of the captain of the Heinrich. As these documents appear to form a necessary appendage to those already before congress, and throw additional light on the subject, I transmit copies of them herewith. TH: JEFFERSON.

February 5, 1805.

DOCUMENTS

IN THE CASE OF THE DANISH BRIGANTINE HEINRICH.

I, David Matthew Clarkson, at present of the island of St. Bartholomew, merchant, do most solemnly declare and swear, that I was residing in the Island of St. Christophers, in the town of Basseterre, as agent for the United States, in the month of October, 1799, when the Danish brig Heinrich, Peter Scheel, master, of Altona, was brought into that port by the United States brig of war, called the Pickering, Benjamin Hillier, commander. And I do further swear, that said brig and her cargo were libelled as a prize, for a salvage, by said Benjamin Hillier, in the British court of vice admiralty at the said island, and that it was proceeded against the said brig and cargo, upon the said libel, at the instance of the captors, and not at the instance of neutral captain Peter Scheel; and in every part of the transaction of said vessel and cargo, the said captain

refused to give any advice in the management of the same, alleging that as the property being neutral, he had taken the requisite steps in making such protests as would fully justify him to the owners and others concerned, and made no doubt *ample recompense* would be made elsewhere.

(Signed) DAVID M. CLARKSON.

BEFORE me, Andrew Bergstedt, justiciarius in the island of St. Bartholomew, personally appeared Mr. David Matthew Clarkson, a merchant, living in the town of Gustavia, island aforesaid, who, on his solemn oath, taken before me according to law, deposes and says, that the foregoing declaration, which he did sign before me, does not contain any thing but what he knows to be true, that the whole tenor thereof is true, and nothing but the truth.

Done in Gustavia, on the island of St. Bartholomew, this 5th. day of July, 1804, in presence of Charles Fred. Warderman and Matthew Winfield, witnesses, who have hereunto set their names together with me, the justiciarius aforesaid.

(Signed) BERGSTEDT, [L.s.]
Justiciarius.

Witness, C. F. WARDERMAN,
MATTHEW WINFIELD.

A true copy of or from the original,

(Signed) R. SODERSTROM.

Extract of Mr. David M. Clarkson's Letter to Richard Soderstrom, dated July 4, 1804.

WITH respect to your obtaining a certificate from the marshal of St. Kitts, of his having served a monition on captain Peter Scheel, I must observe he never did, nor is it the custom there to do so, but when a monition issues, it is fixed on the court house door, and no where else. Perhaps captain Scheel never saw it, or was told of it, and if he never went to that place, he could never see it.

All libels for captures made by the American ships of

war, were made by their commanders through me as their agent, by petition to the judge, and not otherwise in any instance whatever.

True copy of the original,

RICHARD SODERSTROM.

[TRANSLATION.]

HERE before the court of justice of the chief president of this town, on this day, John Humphreys, citizen and merchant of this town, sole owner of the Danish ship Heinrich, before commanded by captain Peter Scheel, made his oath and saith, that he is the sole owner of the Danish brigship Heinrich, bought for his own account at London, and afterwards, according to the annexed charter party, No. I, having let this ship, for the stipulated freight, in the month of May, 1799, to the Hambro' merchants, mentioned in said charter party, bound on a voyage from Hamburg to Cape Francois, and from there back to Hamburg; that after having legitimated himself to be sole owner of the said ship, according to the annexed Latin certificate, No. II, and the annexed English translation thereof, No. III, he had received due passports for such voyage, and the above mentioned ship having set sail under the command of captain Peter Scheel, but has been taken and seized on such voyage by a French privateer, and retaken by the United States ship Pickering, commanded by Benjamin Hillier, Esq. and brought to St. Kitts, where however, the ship and cargo has been acknowledged to be neutral property, but because it had been retaken from the French privateer, the court of vice admiralty has adjudicated the half of the amount of ship and cargo, to be paid to the American ship of war; and the expenses to be paid by the owners of the ship and cargo. And that after the sale having been performed, the half amount has been paid to the American ship of war at St. Kitts. The damage and loss thereof arisen, consists, according to the annexed account, No. IV, after having been deducted at St. Christopher per saldo, received

2757 || 6, bco. in banco 64,983 3 say sixty-four thousand nine hundred and eighty-three marks three shillings banco. The freight, mentioned in this account, is, according to the annexed charter party, No. I, the least, and sufficiently proved by the original charter party; the amount of the ship, like the calculated ensurance premium, is, by the annexed certified copy of the original policy of ensurance, No. V; after which the ship has been taxed on 20,000 marks banco, and by the annexed bill of taxation of the sworn taxer, and ship carpenter at Altona, John Henry Wordsman, who has taxed said ship on 17,500 marks banco, to which the equipping, amounting to about 2,500 marks is to be added, yet so the sum of 20,000 marks banco, and that also the sum mentioned in said account per saldo of 64,983 || 3, is the true and very sum which he has to ask for the indemnification of his ship, as I do hereby certify as chief of this town.

Witness my proper hand writing, and opposed town seal, Altona, before the court of justice of the chief President, the 8th November, 1803.

(Signed) C. L. V. STEMANN, [L.s.]

His royal Danish and Norway majesty's privy counsellor, and chief president of this town, knight, &c. &c. &c. &c.

Conformable with the German original,

(Signed) G. G. R. KAHTGEN. [L.s.]

Notary.

[TRANSLATION.]

WE, burghmasters and counsellors of the town of Altona, do hereby certify and declare, that this day the 29th of June, in the year 1799, appeared before us, John Humphreys, dwelling and residing in the town of Altona, and by the oath with which he has assermented his fidelity to his majesty, our sovereign king, he made his declaration that the ship, or vessel, named Heinrich, of the burden of 50 lasts of commerce, belongs to the port of Altona, and that the said ship or vessel Heinrich is truly and

arowently the property of him, the subject of his majesty, our sovereign, only; and that the said ship or vessel, is now destined to go from the port of Hambro' to the port of Cape Francois, in the island of St. Domingo; and further, laden with the merchandises mentioned in the manifest, in place of that of the custom house officers, there being no custom house in this place; and that the said deponent also declares on oath, that the said ship or vessel, is belonging to his Danish majesty's subjects only; and does not contain any prohibited goods, destined for any of the parties now at war.

In witness whereof, we have ordered this certificate to be signed by the secretary of this town, and the town seal affixed thereto.

Altona, June 1, 1799.

(Signed)

Ex commissione senatus, S. H. GERCKEN, [L.s.]

Secretary.

WE, the abovementioned burghmasters and counsellors, do likewise attest, that Peter Scheel, master and subject of his majesty the king of Denmark, Norway, &c. has by means of a solemn oath declared before us, that to his the said master's knowledge, with his consent and will, nothing has been transacted, nor shall be transacted against the contents of the abovementioned certificate, and further, that he will not misapply neither the said certificate nor the king's passport.

(Signed) *in fidem*

S. H. GERCKEN.

Conformable with the original.

(Signed)

STEMANN.

Altona, June 1, 1799.

THE Secretary of State has the honour to report to the President of the United States, upon the note of the minister of his Danish majesty, dated on the 9th instant as follows:

That it appears that the Danish brigantine Heinrich,

captain Peter Scheel, sailed from Hamburgh loaded with an assorted cargo, and bound to Cape Francois, was captured on the 3d of October, 1799, by a French privateer, and on the 8th of the same month she was recaptured by an American publick armed vessel called the Pickering, and carried to the British island of St. Christophers, where she arrived on the 10th.

That from an authenticated transcript of the proceedings in the case of the said vessel, had before the court of vice admiralty at the said island, it appears that the said court took cognizance of the case, and awarded one half of the gross amount of the sale of the brig and her cargo to be paid to the recaptors, and the other half after deducting the costs and expenses, to be restored to the owners. That this rate of salvage appears to have been adopted from the laws of the United States, as then applicable to recaptures of American property, and of such as belonged to belligerent powers in amity with the United States; but it is believed that these laws had, according to decisions of our own courts, no reference to recaptures of neutral property. That admitting, what has received the sanction of some recent authorities, that in certain peculiar cases of danger of a neutral being condemned by a belligerent, the recaptors are entitled to a proportionate salvage, there is much reason to believe this is not such a case, as the vessel was bound from a neutral to a French port, the whole of the property being neutral, and according to the assurance of Mr. Lindemann, then governour of the Danish West India islands, most of the Danish vessels carried into Guadeloupe, for a year before this capture, were released and some of them with damages. That the courts of the United States have in cases much more strongly marked by circumstances indicating a danger of the neutral being condemned, allowed much smaller rates of salvage.

That the laws of the United States required vessels captured under their authority to be brought within their jurisdiction; and it is conceived that it was the duty of the American officers in this case to repel the attempt of the

foreign judiciary to take cognizance, much less ought they to have directly submitted their recapture to its decision, which, as it could not be revised or rectified, in case of error, by the tribunals of their own country, might tend to involve it in claims on its responsibility from others.

That according to the representation of the agent for the owners of the Danish vessel, of the sum of \$44,500 the value of the vessel, freight, and cargo, there remained, after satisfying the decree for salvage and expenses, no more than \$8,374 41 cents.

That as the policy and the interest of the United States lead them in a special manner to respect and promote the rights and facilities of neutral commerce; as the sentence in this case was permitted, if not procured by officers of the United States, to be made in a foreign, and therefore improper tribunal, as there remains no doubt but that a court of the United States, pronouncing thereon, would either have rejected the claim for salvage altogether, or reduced it to the most moderate scale, as the declared basis of the sentence, viz. the law of the United States, was inapplicable to the case; and as it is understood, that a remedy is now unattainable, in the ordinary judicial course, it is the opinion of the Secretary of State, that under all the circumstances, the case ought to be referred to the just provisions of Congress thereon.

All which is respectfully submitted.

JAMES MADISON.

Department of State, February 22, 1803.

INAUGURAL ADDRESS,

OF THE PRESIDENT OF THE UNITED STATES, MARCH 4,
1805.

PROCEEDING, fellow citizens, to that qualification which the constitution requires, before my entrance on the charge again conferred on me, it is my duty to express the deep sense I entertain of this new proof of confidence from my fellow citizens at large, and the zeal with which it inspires me, so to conduct myself as may best satisfy their just expectations.

On taking this station on a former occasion, I declared the principles on which I believed it my duty to administer the affairs of our commonwealth. My conscience tells me that I have, on every occasion, acted up to that declaration, according to its obvious import, and to the understanding of every candid mind.

In the transaction of your foreign affairs, we have endeavoured to cultivate the friendship of all nations, and especially of those with which we have the most important relations. We have done them justice on all occasions, favoured where favour was lawful, and cherished mutual interests and intercourse on fair and equal terms. We are firmly convinced, and we act on that conviction, that with nations, as with individuals, our interests soundly calculated, will ever be found inseparable from our moral duties; and history bears witness to the fact, that a just nation is trusted on its word, when recourse is had to armaments and wars to bridle others.

At home, fellow citizens, you best know whether we have done well or ill. The suppression of unnecessary offices, of useless establishments and expenses, enabled us to discontinue our internal taxes. These covering our land

with officers, and opening our doors to their intrusions, had already begun that process of domiciliary vexation, which, once entered, is scarcely to be restrained from reaching successively every article of produce and property. If among these taxes some minor ones fell which had not been inconvenient, it was because their amount would not have paid the officers who collected them, and because if they had any merit, the state authorities might adopt them, instead of others less approved.

The remaining revenue, on the consumption of foreign articles, is paid cheerfully by those who can afford to add foreign luxuries to domestick comforts, being collected on our seaboard and frontiers only, and incorporated with the transactions of our mercantile citizens, it may be the pleasure and the pride of an American to ask—what farmer—what mechanick—what labourer, ever sees a tax-gatherer of the United States?—These contributions enable us to support the current expenses of the government, to fulfil contracts with foreign nations, to extinguish the native right of soil within our limits, to extend those limits, and to apply such a surplus to our publick debts, as places at a short day their final redemption, and that redemption once effected, the revenue thereby liberated may, by a just repartition among the states, and a corresponding amendment of the constitution, be applied, *in time of peace*, to rivers, canals, roads, arts, manufactures, education, and other great objects within each state. *In time of war*, if injustice by ourselves, or others, must sometimes produce war, increased as the same revenue will be by increased population and consumption, and aided by other resources reserved for that crisis, it may meet within the year all the expenses of the year, without encroaching on the rights of future generations by burdening them with the debts of the past. War will then be but a suspension of useful works, and a return to a state of peace, a return to the progress of improvement.

I have said, fellow citizens, that the income reserved had enabled us to extend our limits; but that extension

may possibly pay for itself before we are called on, and in the mean time may keep down the accruing interest; in all events it will replace the advances we have made; I know that the acquisition of Louisiana has been disapproved by some, from a candid apprehension that the enlargement of our territory would endanger its union. But who can limit the extent to which the federative principle may operate effectively? The larger our association, the less will it be shaken by local passions; and in any view, is it not better that the opposite bank of the Mississippi should be settled by our own brethren and children, than by strangers of another family? With which shall we be most likely to live in harmony and friendly intercourse?

In matters of religion, I have considered that its free exercise is placed by the constitution independent of the powers of the general government. I have therefore undertaken, on no occasion, to prescribe the religious exercises suited to it; but have left them, as the constitution found them, under the direction and discipline of state or church authorities acknowledged by the several religious societies.

The aboriginal inhabitants of these countries I have regarded with the commiseration their history inspires. Endowed with the faculties and the rights of men, breathing an ardent love of liberty and independence, and occupying a country which left them no desire but to be undisturbed, the stream of overflowing population from other regions directed itself on these shores; without power to divert or habits to contend against it, they have been overwhelmed by the current, or driven before it; now reduced within limits too narrow for the hunter's state, humanity enjoins us to teach them agriculture and the domestick arts; to encourage them to that industry which alone can enable them to maintain their place in existence, and to prepare them in time for that state of society, which to bodily comforts adds the improvement of the mind and morals. We have therefore liberally furnished them with the implements of husbandry and household use; we have placed

among them instructors in the arts of first necessity ; and they are covered with the ægis of the law against aggressors from among ourselves.

But the endeavours to enlighten them on the fate which awaits their present course of life, to induce them to exercise their reason, follow its dictates, and change their pursuits with the change of circumstances, have powerful obstacles to encounter ; they are combated by the habits of their bodies, prejudice of their minds, ignorance, pride, and the influence of interested and crafty individuals among them, who feel themselves something in the present order of things, and fear to become nothing in any other. These persons inculcate a sanctimonious reverence for the customs of their ancestors ; that whatsoever they did must be done through all time ; that reason is a false guide, and to advance under its council in their physical, moral, or political condition, is perilous innovation ; that their duty is to remain as their Creator made them, ignorance being safety, and knowledge full of danger ; in short, my friends, among them also is seen the action and counteraction of good sense and of bigotry ; they too have their anti-philosophers, who find an interest in keeping things in their present state, who dread reformation, and exert all their faculties to maintain the ascendancy of habit over the duty of improving our reason and obeying its mandates.

In giving these outlines, I do not mean, fellow citizens, to arrogate to myself the merit of the measures ; that is due in the first place to the reflecting character of our citizens at large, who, by the weight of publick opinion, influence and strengthen the publick measures ; it is due to the sound discretion with which they select from among themselves those to whom they confide the legislative duties ; it is due to the zeal and wisdom of the characters thus selected, who lay the foundations of publick happiness in wholesome laws, the execution of which alone remains for others ; and it is due to the able and faithful auxiliaries, whose patriotism has associated them with me in the executive functions.

During this course of administration, and in order to disturb it, the artillery of the press has been levelled against us, charged with whatsoever its licentiousness could devise or dare. These abuses of an institution so important to freedom and science are deeply to be regretted, inasmuch as they tend to lessen its usefulness, and to sap its safety; they might indeed have been corrected by the wholesome punishments reserved to and provided by the laws of the several states against falsehood and defamation; but publick duties more urgent press on the time of publick servants, and the offenders have therefore been left to find their punishment in the publick indignation.

Nor was it uninteresting to the world that an experiment should be fairly and fully made, whether freedom of discussion, unaided by power, is not sufficient for the propagation and protection of truth:—Whether a government, conducting itself in the true spirit of its constitution, with zeal and purity, and doing no act which it would be unwilling the whole world should witness, can be written down by falsehood and defamation—the experiment has been tried—you have witnessed the scene—our fellow citizens have looked on, cool and collected—they saw the latent source from which these outrages proceeded; they gathered around their publick functionaries, and when the constitution called them to the decision by suffrage, they pronounced their verdict, honourable to those who had served them, and consolatory to the friend of man, who believes he may be entrusted with his own affairs.

No inference is here intended, that the laws, provided by the state against false and defamatory publications, should not be enforced; he who has time renders a service to publick morals and publick tranquillity, in reforming these abuses by the salutary coercions of the law; but the experiment is noted to prove, that, since truth and reason have maintained their ground against false opinions in league with false facts, the press, confined to truth, needs no other legal restraint; the publick judgment will correct false reasonings and opinions on a full hearing of all parties;

and no other definite line can be drawn between the inestimable liberty of the press and its demoralizing licentiousness. If there be still improprieties which this rule would not restrain, its supplement must be sought in the censorship of publick opinion.

Contemplating the union of sentiment now manifested so generally, as auguring harmony and happiness to our future course, I offer to our country sincere congratulations. With those too, not yet rallied to the same point, the disposition to do so is gaining strength ; facts are piercing through the veil drawn over them ; and our doubting brethren will at length see, that the mass of their fellow citizens with whom they cannot yet resolve to act, as to principles and measures, think as they think, and desire what they desire ; that our wish, as well as theirs, is that the publick efforts may be directed honestly to the publick good, that peace be cultivated, civil and religious liberty unassailed, law and order preserved, equality of rights maintained, and that state of property equal or unequal which results to every man from his own industry or that of his fathers. When satisfied of these views, it is not in human nature that they should not approve and support them ; in the mean time let us cherish them with patient affection ; let us do them justice, and more than justice, in all competitions of interest ; and we need not doubt that truth, reason, and their own interests, will at length prevail, will gather them into the fold of their country, and will complete that entire union of opinion, which gives to a nation the blessing of harmony, and the benefit of all its strength.

I shall now enter on the duties to which my fellow citizens have again called me ; and shall proceed in the spirit of those principles which they have approved. I fear not that any motives of interest may lead me astray ; I am sensible of no passion which could seduce me knowingly from the path of justice ; but the weaknesses of human nature and the limits of my own understanding will produce errors of judgment sometimes injurious to your interests ; I shall need therefore all the indulgence I have

heretofore experienced—the want of it will certainly not lessen with increasing years. I shall need too the favour of that Being in whose hands we are, who led our forefathers, as Israel of old, from their native land, and planted them in a country flowing with all the necessities and comforts of life; who has covered our infancy with his Providence, and our riper years with his wisdom and power; and to whose goodness I ask you to join with me in supplications, that he will so enlighten the minds of your servants, guide their councils, and prosper their measures, that whatsoever they do shall result in your good, and shall secure to you the peace, friendship, and approbation of all nations.

THOMAS JEFFERSON.

March 4th, 1805.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, AT THE COMMENCEMENT OF THE FIRST SESSION OF THE NINTH CONGRESS. DECEMBER 3, 1805.

AT a moment when the nations of Europe are in commotion and arming against each other, when those with whom we have principal intercourse are engaged in the general contest, and when the countenance of some of them towards our peaceable country threatens that even that may not be unaffected by what is passing on the general theatre, a meeting of the Representatives of the Nation, in both Houses of Congress, has become more than usually desirable. Coming from every section of our country, they bring with them the sentiments and the information of the whole, and will be enabled to give a direction to the publick affairs which the will and the wisdom of the whole will approve and support. In taking a view of the state of our country, we, in the first place, notice the late affliction of two of our cities, under the fatal fever, which in latter times has occasionally visited our shores. Providence, in

his goodness, gave it an early termination on this occasion, and lessened the number of victims which have usually fallen before it. In the course of the several visitations by this disease, it has appeared to be strictly local, incident to cities and on the tide waters only, incommunicable in the country, either by persons under the disease, or by goods carried from diseased places; that its access is with the autumn, and it disappears with the early frosts. These restrictions, within narrow limits of time and space, give security, even to our maritime cities, during three fourths of the year, and to the country always; although from these facts it appears unnecessary, yet, to satisfy the fears of foreign nations, and cautions on their part not to be complained of, in a danger whose limits are yet unknown to them, I have strictly enjoined on the officers at the head of the customs to certify with exact truth, for every vessel sailing for a foreign port, the state of health respecting this fever which prevails at the place from which she sails. Under every motive from character and duty to certify the truth, I have no doubt they have faithfully executed this injunction. Much real injury has however been sustained from a propensity to identify with this endemick, and to call by the same name, fevers of very different kinds, which have been known at all times and in all countries, and never have been placed among those deemed contagious. As we advance in our knowledge of this disease, as facts develop the source from which individuals receive it, the state authorities charged with the care of the publick health, and congress with that of the general commerce, will become able to regulate with effect their respective functions in these departments. The burden of quarantines is felt at home as well as abroad; their efficacy merits examination. Although the health laws of the states should be found to need no present revisal by congress, yet commerce claims that their attention be ever awake to them.

Since our last meeting, the aspect of our foreign relations

has considerably changed. Our coasts have been infested, and our harbours watched, by private armed vessels, some of them without commissions, some with illegal commissions, others, with those of legal form, but committing piratical acts beyond the authority of their commissions. They have captured in the very entrance of our harbours, as well as on the high seas, not only the vessels of our friends, coming to trade with us, but our own also. They have carried them off under pretence of legal adjudication, but, not daring to approach a court of justice, they have plundered and sunk them by the way, or in obscure places, where no evidence could arise against them, maltreated the crews, and abandoned them in boats, in the open sea, or on desert shores, without food or covering. These enormities appearing to be unreachèd by any control of their sovereigns, I found it necessary to equip a force, to cruise within our own seas, to arrest all vessels of these descriptions found hovering on our coasts, within the limits of the Gulf Stream, and to bring the offenders in for trial as pirates.

The same system of hovering on our coasts and harbours, under colour of seeking enemies, has been also carried on by publick armed ships, to the great annoyance and oppression of our commerce. New principles too have been interpolated into the law of nations, founded neither in justice, nor the usage or acknowledgment of nations. According to these a belligerent takes to itself a commerce with its own enemy, which it denies to a neutral, on the ground of its aiding that enemy in the war. But reason revolts at such an inconsistency; and the neutral having equal right with the belligerent to decide the question, the interests of our constituents, and the duty of maintaining the authority of reason, the only umpire between just nations, impose on us the obligation of providing an effectual and determined opposition to a doctrine so injurious to the rights of peaceable nations. Indeed the confidence we ought to have in the justice of others still countenances

the hope, that a sounder view of those rights will of itself induce from every belligerent a more correct observance of them.

With Spain our negotiations for a settlement of differences have not had a satisfactory issue. Spoliations during the former war, for which she had formally acknowledged herself responsible, have been refused to be compensated but on conditions affecting other claims in no wise connected with them. Yet the same practices are renewed in the present war, and are already of great amount. On the Mobile, our commerce, passing through that river, continues to be obstructed by arbitrary duties and vexatious searches. Propositions for adjusting amicably the boundaries of Louisiana have not been acceded to. While however the right is unsettled, we have avoided changing the state of things, by taking new posts, or strengthening ourselves in the disputed territories, in the hope that the other power would not, by a contrary conduct, oblige us to meet their example, and endanger conflicts of authority, the issue of which may not be easily controlled. But in this hope we have now reason to lessen our confidence. Inroads have been recently made into the territories of Orleans and the Mississippi. Our citizens have been seized and their property plundered in the very parts of the former, which had been actually delivered up by Spain; and this by the regular officers and soldiers of that government. I have, therefore, found it necessary at length to give orders to our troops on that frontier to be in readiness to protect our citizens, and to repel by arms any similar aggressions in future. Other details, necessary for your full information of the state of things between this country and that, shall be the subject of another communication.

In reviewing these injuries from some of the belligerent powers, the moderation, the firmness, and the wisdom of the legislature will all be called into action. We ought still to hope, that time and a more correct estimate of interest, as well as of character, will produce the justice we are bound to expect.

But should any nation deceive itself by false calculations, and disappoint that expectation, we must join in the unprofitable contest of trying which party can do the other the most harm. Some of these injuries may perhaps admit a peaceable remedy. Where that is competent, it is always the most desirable. But some of them are of a nature to be met by force only, and all of them may lead to it. I cannot therefore but recommend such preparations as circumstances call for. The first object is to place our seaport towns out of the danger of insult. Measures have been already taken for furnishing them with heavy cannon, for the service of such land batteries as may make a part of their defence against armed vessels approaching them. In aid of these, it is desirable we should have a competent number of gun-boats: and the number to be competent must be considerable. If immediately begun, they may be in readiness for service at the opening of the next season. Whether it will be necessary to augment our land forces, will be decided by occurrences probably in the course of your session. In the mean time you will consider whether it would not be expedient for a state of peace as well as of war, so to organize or class the militia as would enable us, on a sudden emergency, to call for the services of the younger portions, unincumbered with the old, and those having families. Upwards of three hundred thousand able bodied men, between the ages of eighteen and twenty-six years, which the last census shows, we may now count within our limits, will furnish a competent number for offence or defence, in any point where they may be wanted, and will give time for raising regular forces, after the necessity of them shall become certain; and the reducing to the early period of life all its active service cannot but be desirable to our younger citizens of the present, as well as future times; inasmuch as it engages to them, in more advanced age, a quiet and undisturbed repose in the bosom of their families. I cannot then but earnestly recommend to your early consideration the expediency of so modifying our militia system, as by a separation of the more active

part from that which is less so, we may draw from it, when necessary, an efficient corps, fit for real and active service, and to be called to it in regular rotation.

Considerable provision has been made, under former authorities from Congress, of materials for the construction of ships of war of 74 guns: these materials are on hand, subject to the further will of the legislature.

An immediate prohibition of the exportation of arms and ammunition is also submitted to your determination.

Turning from these unpleasant views of violence and wrong, I congratulate you on the liberation of our fellow citizens, who were stranded on the coasts of Tripoli, and made prisoners of war. In a government bottomed on the will of all, the life and liberty of every individual citizen becomes interesting to all. In the treaty, therefore, which has concluded our warfare with that state, an article for the ransom of our citizens has been agreed to. An operation by land, by a small band of our countrymen, and others engaged for the occasion, in conjunction with the troops of the ex-bashaw of that country, gallantly conducted by our late consul Eaton, and their successful enterprise on the city of Derne, contributed doubtless to the impression which produced peace; and the conclusion of this prevented opportunities, of which the officers and men of our squadron destined for Tripoli would have availed themselves, to emulate the acts of valour exhibited by their brethren in the attack of the last year. Reflecting with high satisfaction on the distinguished bravery displayed whenever occasions permitted in the late Mediterranean service, I think it would be an useful encouragement, as well as a just reward, to make an opening for some present promotion, by enlarging our peace establishment of captains and lieutenants.

With Tunis some misunderstandings have arisen not yet sufficiently explained; but friendly discussions with their ambassador, recently arrived, and a mutual disposition to do whatever is just and reasonable, cannot fail of dissipating these. So that we may consider our peace, on that

coast generally, to be on as sound a footing as it has been at any preceding time. Still it will not be expedient to withdraw immediately the whole of our force from that sea.

The law providing for a naval peace establishment fixes the number of frigates which shall be kept in constant service in time of peace, and prescribes that they shall be manned by not more than two-thirds of their complement of seamen and ordinary seamen. Whether a frigate may be trusted to two-thirds only of her proper complement of men, must depend on the nature of the service on which she is ordered; that may sometimes for her safety, as well as to ensure her object, require her fullest complement. In adverting to this subject, congress will perhaps consider whether the best limitation on the executive discretion in this case would not be, by the number of seamen which may be employed in the whole service, rather than by the number of vessels. Occasions oftener arise for the employment of small than of large vessels, and it would lessen risk as well as expense to be authorized to employ them of preference; the limitation suggested by the number of seamen would admit a selection of vessels best adapted to the service.

Our Indian neighbours are advancing, many of them with spirit, and others beginning to engage, in the pursuits of agriculture and household manufacture. They are becoming sensible that the earth yields subsistence with less labour and more certainty than the forest, and find it their interest from time to time to dispose of parts of their surplus and waste lands for the means of improving those they occupy, and of subsisting their families while they are preparing their farms. Since your last session the northern tribes have sold to us the lands between the Connecticut reserve and the former Indian boundary; and those on the Ohio, from the same boundary to the Rapids, and for a considerable depth inland. The Chickasaws and Cherokees have sold us the country between, and adjacent to, the two districts of Tennessee; and the Creeks, the residue of their lands in the fork of Oemulgee, up to the Ulecofauhat-

che. The three former purchases are important, inasmuch as they consolidate disjoined parts of our settled country, and render their intercourse secure; and the second particularly so, as, with the small point on the river which we expect is by this time ceded by the Piankeshaws, it completes our possession of the whole of both banks of the Ohio, from its source to near its mouth, and the navigation of that river is thereby rendered for ever safe to our citizens settled and settling on its extensive waters. The purchase from the Cr  eks too has been for some time peculiarly interesting to the state of Georgia.

The several treaties which have been mentioned will be submitted to both houses of Congress for the exercise of their respective functions.

Deputations now on their way to the seat of government, from various nations of Indians, inhabiting the Missouri and other parts beyond the Mississippi, come charged with assurances of their satisfaction with the new relations in which they are placed with us, of their dispositions to cultivate our peace and friendship, and their desire to enter into commercial intercourse with us.

A state of our progress in exploring the principal rivers of that country, and of the information respecting them hitherto obtained, will be communicated as soon as we shall receive some further relations which we have reason shortly to expect.

The receipts at the treasury during the year ending on the 30th day of September last have exceeded the sum of thirteen millions of dollars, which, with not quite five millions in the treasury at the beginning of the year, have enabled us, after meeting other demands, to pay nearly two millions of the debt contracted under the British treaty and convention, upwards of four millions of principal of the publick debt, and four millions of interest. These payments, with those which had been made in three years and an half preceeding, have extinguished of the funded debt nearly eighteen millions of principal.

Congress, by their act of November 10, 1803, authorized

us to borrow 1,750,000 dollars towards meeting the claims of our citizens assumed by the convention with France. We have not however made use of this authority: because the sum of four millions and an half, which remained in the treasury on the same 30th day of September last, with the receipts which we may calculate on for the ensuing year, besides paying the annual sum of eight millions of dollars, appropriated to the funded debt, and meeting all the current demands which may be expected, will enable us to pay the whole sum of three millions seven hundred and fifty thousand dollars, assumed by the French convention, and still leave us a surplus of nearly a million of dollars at our free disposal. Should you concur in the provisions of arms and armed vessels recommended by the circumstances of the times, this surplus will furnish the means of doing so.

On this first occasion of addressing congress, since, by the choice of my constituents, I have entered on a second term of administration, I embrace the opportunity to give this publick assurance that I will exert my best endeavours to administer faithfully the executive department, and will zealously co-operate with you in every measure which may tend to secure the liberty, property, and personal safety of our fellow citizens, and to consolidate the republican forms and principles of our government.

In the course of your session you shall receive all the aid which I can give for the despatch of the publick business, and all the information necessary for your deliberations, of which the interests of our own country and the confidence reposed in us by others will admit a communication.

December 3, 1805.

TH: JEFFERSON.

MESSAGE.

[The Message of the President of December 6, 1805, was not printed. It probably consisted of but few words, introducing the following Documents; and in the journal of secret proceedings of the House of Representatives is mentioned as follows.]

DECEMBER 6, 1805.

THE Speaker laid before the House a letter and communication from the President of the United States, which was read.—

Copy of a Letter from captain John Stinson, commander of the ship Huntress, to the Secretary of the Navy. London, August 20, 1805.

SIR,

ON my arrival at Liverpool, I wrote for the information of government, giving a statement of the capture of the ship Huntress, (laden with government stores.) On my arrival here, Mr. Lyman informed me he had not written; induced me to forward this, lest the first should miscarry.

On June the 1, lat. 36. 20. N. long. 74. 50. I was brought to by a Spanish schooner privateer called La Maria, commanded by Antonio Lobo, from Porto Rico. The reason Lobo gave for detaining the ship, was, her being bound for a British port, and not having a *Spanish passport*.* After robbing the ship of ten barrels of bread, one barrel of tar, and sundry other articles; took all my crew out, excepting the cabin-boy, put a prize master and eleven Spaniards on board. and ordered the ship for Porto Rico.

On June 9, in sight of Bermudas, was retaken by two

* She had on board, besides the ordinary marine papers, a special passport from the President of the United States, reciting the nature of her cargo and its destination for the supply of the Mediterranean squadron of the United States. She had also the passports of the British and French ministers.

English Guineamen; after taking the Spaniards out, put a prize master and crew on board, and ordered the ship for Liverpool, where she arrived the 16th ult. much damaged.

I have the honour to be, &c.

(Signed)

J. STINSON.

Copy of a Letter from Lieut. Jos. J. Maxwell, to his excellency general Castanos, Algeziras.

U. S. Gun Boat, No. 3. Harbour of Algeziras, June 15, 1805.

SIR,

I HAVE the honour to acquaint your excellency, that I was this morning brought to by four armed boats under Spanish colours, who after exercising the utmost insolence, and without assigning the smallest reason, conducted me to this port.

The orders received from my government, were, to proceed with all possible despatch to the commander of the American squadron in the Mediterranean. The serious consequences attending this unwarrantable detention must be too obvious to your excellency to require a remark. I shall only observe, that if your government authorizes indignities of this nature, to my own I must appeal for redress. I am sensible, however, this cannot be the case, and persuade myself that your excellency will readily redress the insult offered the American flag, in this instance, and take measures to prevent a repetition.

Under this impression, I am, &c.

(Signed)

JOS. J. MAXWELL.

His Excellency Gen. Castanos, Algeziras.

Copy of a Letter from Lieut. J. Maxwell, commanding gun boat No. 3, to commodore Rodgers.

U. S. Gun Boat, No. 3. Harbour of Syracuse, July 8, 1805.

SIR,

I HAVE to acquaint you that on the morning of the 15th June last, Gibraltar bearing N. E. distant 2 leagues, I was brought to by four Spanish gun-boats, who, without examining a paper or assigning any other reason than their sus-

picion of my being an Englishman, took charge and conducted me into Algeziras.

It is necessary to remark, that my guns were at that time in the hold. Immediately on my arrival I stated officially the circumstance to the general of marines, which I also enclose for your perusal. The boat was instantly discharged with many apologies and offers of supplies and assistance, should I stand in need of them. I was requested to wait a short time the general's answer. I did so till 4 P. M. Apprehensive I might be detained much longer, and knowing the importance of the boat's joining you, without the smallest delay, I weighed without it, and stood over to the Rock, where, for the first time since our separation, on the 15th May, I found the John Adams.

I should have waited on the general of marine personally, but could not procure pratique.

I proceeded immediately to mounting my guns, and sailed from Gibraltar the 18th June.

I have the honour to be, &c.

(Signed)

JOS. J. MAXWELL.

Commodore Rodgers.

Extract of a Letter from Charles Pinckney, Esq. Minister at Madrid, to the Secretary of State, dated August, 1805.

I HAVE written to you lately very often, informing you of the Spaniards being now in the habit of capturing our vessels as much as during the last war. The following is the list transmitted to me of American vessels taken by the Spaniards, and sent into Algeziras for adjudication, since the date of my last to you :

Brigantine Anne Isabel, of Virginia, Williams, master ; Brigantine Vereries Pesa ; Brigantine Dido, Shail, master, from Marblehead ; Ship Mary, Robert Stevenson ; Ship Eagle, Nehemiah Shaler, last from Liverpool ; Brigantine Jefferson, Simon Bahmond ; Brigantine Polly and Nancy, of Baltimore, John Croan ; Schooner Molengue, John Waterman, of New York ; Schooner Leffen, William Maret, of Virginia ; Brigantine Diana, Silvester Simmons, of New Haven.

Extract of a Letter from Charles Pinckney, Esq. Minister at Madrid, to the Secretary of State, dated September 22, 1805.

My last informed you that I was still under the necessity of remaining here until the 2d October, on account of all the mules being embargoed for the king's service until that day, so that I could not before go to the Sitio to take leave; that I had still been without the pleasure of seeing Mr. Erving or Mr. Bowdoin, and that not being able to wait for them any longer, I should, when I went away, leave Mr. Young charged with our affairs until they, or one of them, came; that during this time, and constantly, I had been busily employed with this court in endeavouring to arrest the numerous depredations of their privateers on our commerce, and their condemnations of our vessels, and that to do this my exertions have not only been unceasing, but more than twenty letters have passed between Mr. Cevallos and myself on the subject. I have now the pleasure to send you the result, by enclosing the copy of a letter which I have just received from Cadiz, and which I have received in such an unquestionable shape as to leave no doubt of its authenticity. By this it appears that my exertions have been effectual, and will probably prevent future captures on that ground.

[TRANSLATION.]

From the Secretary of State and of the Marine to the Director-general of the fleet.

SIR,

THE minister of the United States, complaining of new injuries and captures of American vessels by Spanish cruisers, has given information of the carrying to Algeziras of eleven vessels of his nation, under pretext, as he says, of their carrying English merchandize. The king, being made acquainted with it, has been pleased to determine that, if there be no other cause for the capture of these vessels than that alleged by the minister, they should be

put at liberty again; since, according to the 15th article of the treaty with the United States, *the American flag secures the freedom of the merchandizes, although they may be enemies*, property. But if the cause of detention be any other, his majesty requires that they be decided in due course, and with as little delay as possible. I communicate it to you by the royal order, in order that you may communicate it to the generals of the departments of marine, in order that they may make it known to the commandants of marine in every district, and to the owners of privateers, informing them that they will be responsible for the injuries they may occasion.

St. Ildefonso, Sept. 3, 1805.

CONSULAR OFFICE OF THE UNITED STATES OF AMERICA.

[L. S.]

GIBRALTAR.

ON this 13th day of September, 1805, personally appeared in my consular office of the United States of America, John Allen, commander of the sloop *Ranger*, belonging to the government of the aforesaid United States, and John Thompson, master's mate on board said sloop *Ranger*, who, after being sworn on the holy evangelists, did declare jointly and severally, each speaking for himself, that they sailed in and with said vessel from Boston, in America, on or about the 21st day of July last, on the service of said government, in company with the sloop *Traveller*, commanded by Captain Benjamin Prince, with whom they parted company a few days after their leaving Boston, by stress of weather.

That on the 23d of August last, being in latitude 40 deg. 32 minutes north, and longitude 30 deg. 33 minutes west, a schooner came up with them mounting six guns with 16 blunderbusses, and about eighteen men, who, although the American colours were flying on board the *Ranger*, and the vessel hove to, fired three broadsides at her without shewing any colours, ordering Captain Allen to go on board them, which he did; they then came on board the sloop *Ranger*, broke open Captain Allen's chest and trunk, tak-

ing from them twelve white shirts, a suit of uniform, six pair silk and six do. cotton stockings, twelve handkerchiefs, two blue jackets, three white dimity waistcoats, two new hats, two pair new shoes, and two pair nankeen pantaloons, a spy-glass, 63 gallons brandy, butter, cheese, pork, and other articles of ship's stores; likewise, the doctor's box, the mate's, and some of the men's clothes and money; also, a letter for the governour of Malta, and several other papers.

That the commander and crew of the said schooner privateer behaved in a most insulting and abusive manner, and they seemed by their appearance, language, dress, and manners, to have been Spaniards; wherefore, they make this declaration, and protest, not only for the robbery committed, but also for the insult shewn the flag under which they sailed. (Signed)

JOHN ALLEN,

JOHN THOMPSON.

Sworn and declared the day and year first above written, before me, (Signed)

JOHN GAVINO,

Consul of the United States of America.

CONSULATE OF THE UNITED STATES, ISLAND OF CUBA.

I, HENRY HILL, junior, Consul of the United States for the said island, residing at the city of Havana, do hereby certify, that the documents hereunto annexed, marked with the letters from A to G, inclusive, and stamped with my consular seal, are true and faithful copies of the originals lodged and recorded in my office—having been by me therewith carefully collated and compared.

In testimony whereof, I have subscribed my name, and affixed the seal of my office, at Havana aforesaid, the 30th day of August, 1805, and in the year of the independence of the United States the thirtieth.

HENRY HILL, Jun.

(A)

CONSULATE OF THE UNITED STATES OF AMERICA.

ISLAND OF CUBA.

BY this publick instrument be it known unto all whom the same doth, shall, or may concern, that on the day of the date hereof, before me, Henry Hill, jun. consul of the United States of America, for the island of Cuba, resident at Havana, personally came and appeared William Cory, of Charleston, (South Carolina) master of the brig Ann, and Caleb Cory, mate of said brig, who being by me severally duly sworn on the holy evangelists of Almighty God, did solemnly depose and declare, that being at the port of Cavanas, in this island, in the month of May last, where they were loading said vessel with a cargo for the U. States, they saw lying there an American schooner, called the Betsey, of New Bedford, taken by a French privateer called the Eugene, commanded by Captain Joseph Dumas, some time previous, and sent into that port, which said schooner had a cargo in, consisting of about seventy-six puncheons of rum, and seven or eight barrels of sugar.

That during their stay there, they frequently saw the people belonging to said privateer taking out the cargo of said captured schooner, and carrying it on shore and selling it.

That the said privateersmen, to their knowledge, took out the whole of the said vessel's cargo, and carried it on shore, where it was sold—that it was so taken out and carried on shore, in open day, without any appearance of opposition from the officers of the said port of Cavanas—that after the said privateersmen had plundered the whole of the cargo aforesaid, and taken it from the said vessel, and all her valuable rigging and sails, they took the said vessel off the mouth of the said harbour of Cavanas, and sunk her.

And the deponent, William Cory, further saith, that the said privateersmen offered to sell him rum from the said cargo at thirty dollars a puncheon, which this deponent refused to buy even at that low price, well knowing they

had no title to it, and that in them to dispose of it was robbery and piracy.

That he was informed by the guard which was on board his vessel, that said privateersmen had bribed the principal officer of said port, by giving him four puncheons of rum to consent to the landing and sale of said cargo. And further the deponents say not.

(Signed)

WILLIAM CORY,
CALEB CORY.

In testimony whereof, I have hereunto set my hand, and affixed my consular seal, this eighth day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

(Signed)

HENRY HILL, Jun.

(B)

CONSULATE OF THE UNITED STATES OF AMERICA.

[L. S.]

ISLAND OF CUBA.

BY this publick instrument, be it known unto all whom the same shall, doth, or may concern, that I, Henry Hill, junior, consul of the United States of America for the island of Cuba, resident at Havana, do hereby certify, that on the day of the date hereof, before me, personally came and appeared, Jacob R. Valk, late master, and Geo. Alcock, late mate of and belonging to the schooner Sea Horse, of Charleston, who, on their solemn oaths, which they then took before me upon the holy evangelists of Almighty God, did, severally, solemnly depose and declare, that they, the deponents, on the ninth day of June, sailed and departed in and with the said schooner, laden with a cargo of flour and German linens from Charleston aforesaid, bound on a voyage to Spanish America—that the said schooner, at the commencement thereof, was tight, staunch, and strong, and in every respect well fitted, furnished, found, manned and equipped for the due performance of the said voyage; with variable winds and weather, and without any particular occurrence until the 13th day of July,

when they made the island of Blanca, on the 14th the 'Tortugas, and on the next day arrived off Lagaira—that they lay off and on Lagaira aforesaid until the 20th following. In the course of which time, he, the deponent Jacob R. Valk, made application for admittance to entry ; and being informed that that port, as well as all others on that coast were shut against neutrals, he proceeded agreeable to his orders and instructions for this port of Havana. And the said several deponents did further depose, that in proceeding for the said port nothing material happened until the 24th following of said month of July, when being off the island of Jamaica, they were brought to by his Britannic Majesty's armed schooner Superiour, and upon being examined and found to be neutral were politely dismissed—that they prosecuted the said voyage, making the best of their way for this said port, and experienced nothing remarkable until the 4th day of August, instant, when doubling Cape San Antonio, in this island of Cuba, they were brought to by a schooner under French colours, and boarded by an officer and four men, who took possession of said schooner Sea Horse, and sent the deponent Jacob R. Valk, and two of his crew, on board the said privateer with the said schooner's papers—that the officer on board the said schooner Sea Horse, hailed the commander of said privateer, and said that as he knew her to be a good prize he would bring her to anchor ; immediately upon which both vessels bore away for Punta Fuera, about four leagues from Cape San Antonio.

That the commander of said privateer, aided by several Spaniards, who came on board her in canoes from their habitations on that coast, began rummaging the Sea Horse, opening the hatches, and breaking open the packages and cases of dry goods, principally consisting of German linens, whilst the crew of the said privateer were continually passing and repassing from one of the said vessels to the other, and most of them in a state of intoxication.

And the said deponent, Jacob R. Valk, did further depose, that being detained on board said privateer from

the fourth to the sixth, he had ample opportunities of observing and examining her, and found her to be an American built vessel, having painted on her stern Caroline of Charleston, which was very visible, notwithstanding some black paint had been put on it to efface it, but which was not done effectually; that she was mounted with one carriage gun and one swivel, and supplied with small arms, and manned with ten men and two negro boys, exclusive of the captain, who said his name was Paul, and the privateer the Volante. And the said deponent did further depose, that the said Paul told him, that he should be sent in an open boat to Havana, and upon his answering that he was determined to remain with his vessel wherever she went, the said Paul replied, that if he again opened his mouth, he would set him ashore in the woods, and leave him to perish. And the said several deponents did further depose, that on the same evening they were all embarked in an open boat under the conduct of a Spanish fisherman to go to a place about seventeen leagues distance, called Mantua, where they received their clothes, which had been previously taken from them.

And the said Jacob R. Valk did further depose, that the said captain of said privateer, after having robbed and plundered him of all his sea charts, his vessel, and his own private papers, and also his perspective glass or telescope, and twenty-one ounces in gold, returned him six of said ounces to defray his expenses to this said port. And the said several deponents did severally further depose, that James Richardson and Jacob Shoemaker, both citizens of the United States, and seamen belonging to said schooner Sea Horse, conducted themselves upon the capture aforesaid in a very mutinous manner, and remained with their own voluntary will with the said privateer.

And I, the said consul, do further certify, that the said Jacob R. Valk did, upon his arrival at Havana, aforesaid, in due time and form, note and enter with me his protest, in all the premises aforesaid; and now requires of me to extend the same, and make this publick act thereof, reserv-

ing to himself the privilege of making any other protest in the premises, as occasion may require.

Wherefore the said Jacob R. Valk doth, and I, the said consul at his request, do, by these presents, most publickly and solemnly protest as well against the governour at Laguirra aforesaid, and all other publick officers whom it may concern, for the refusal of admittance to entry as aforesaid, at that port, as against the commander, officers, and crew of the said privateer, for the capture and detention, and robbery and plunder of the said schooner Sea Horse and her cargo, and against all and every person and persons whom it shall or may concern for all damages, costs, charges and expenses already suffered, or which shall or may be hereafter suffered and sustained in the premises on account thereof, that the same be borne by those to whom of right it shall appertain, to be adjusted and recovered in time and place convenient.

Done and protested at Havana aforesaid.

(Signed)

JACOB R. VALK,
GEORGE ALCOCK.

In testimony whereof, the said deponents have hereunto subscribed their names, and I, the said consul, have hereunto set my hand and affixed my consular seal this twenty-first day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States, the thirtieth.

(Signed)

HENRY HILL, Jun.

(C)

CONSULATE OF THE UNITED STATES OF AMERICA.

[L.S.]

ISLAND OF CUBA.

By this publick instrument, be it known to all whom the same doth or may concern, That I, Henry Hill, jun. consul of the United States of America for the island of Cuba, resident at Havana, do hereby certify, that on the day of the date hereof, before me personally came and appeared John L. Cranston, late master of the schooner Caroline of

Charleston, who being by me duly sworn upon the holy evangelists of Almighty God, did solemnly depose and declare, that on the 12th day of April last he sailed and departed in and with the said schooner from Charleston aforesaid, with passengers, bound for St. Thomas, where he arrived on the first day of May following. That he sailed from thence on the fourth with ballast bound to Lagaira, and arrived off the said port on the 10th, and continued lying off and on until the 14th. That his sails being very much split, and the vessel otherwise in a bad state, and not being able to obtain permission to enter said port, he determined to bear away for the first port he could make, and on the day following was captured by his Britannic majesty's ship of war Fortune, Henry Vansittart, commander, who took out him, the deponent, and his crew, and took possession of the said schooner, which he armed as a tender to cruise off Curracoa. That on the 25th the said schooner was delivered up to him, being plundered of the boat, oars, anchors, stores, &c. That being very much in want of repairs he thought it most prudent, as well for the preservation of the said vessel and their own lives, as to procure supplies, which they likewise stood very much in need of, to bear away for Jamaica, and on the 29th of May arrived at Kingston in the said island, where he in due form made his protest.

That he sailed from thence, after having received the necessary repairs and supplies, and having on board twenty puncheons rum, the property, as he verily believes, of Andrew Ker of Charleston aforesaid, a citizen of the United States, on the 9th day of July following, bound for Charleston aforesaid, and on the 15th was boarded by a felucca pirate commanded by one Paul Cazafranca, who took from him all the vessel's papers and all his letters, &c. and also possession of said schooner as a prize, with which he proceeded to Punta Fuera, about four leagues from Cape Antonio, where he came to anchor. That he there unloaded said vessel, and supplied the fishermen who were there with some of the rum belonging to the

said cargo. That they continued there until the 23d following, when he sent the said schooner, with the said deponent and crew, to Mantua Pavola, where she arrived on the same day ; and he, the deponent, with said crew, remained there until the 9th day of August, instant, without clothes or money, all of which, and every thing else, except two or three shirts, they were robbed of by the said captors. That he there procured a boat, and upon the promise of paying one hundred dollars, was brought to this port of Havana, where they arrived on the 14th instant.

That he, the deponent, immediately despatched a memorial to his excellency the Governour, stating the circumstances and praying for the restoration of said vessel and cargo ; to which said memorial he has received no reply, and is of opinion that the same will be taken no notice of.

And on this same day also personally appeared before me Andrew Arbree, mate, and William Wood and John Judson, seamen, late of and belonging to said schooner, who being by me severally duly sworn upon the holy evangelists of Almighty God, did solemnly depose, that all and every the matters and facts relating to the voyagea foresaid and the captures aforesaid, are in every respect true.

And the said deponent, John L. Cranston, did, upon his arrival, in due time and form note and enter with me, the said consul, his protest in the premises, and now requires of me to make this publick act thereof, reserving to himself the privilege of further extending the same, or to make any other in the premises, as occasion may require.

Wherefore, the said John L. Cranston doth, and I, the said consul, at his request, do, by these presents, most publicly and solemnly protest as well against the seas, gales of wind and bad weather the said schooner experienced on the said voyage, as against the commander, officers, and crews of the said ship of war Fortune and felucca pirate, for the captures, plunder, and detention aforesaid, and for all costs, damages, losses and expenses already and which shall or may be hereafter sustained on account thereof, to the end that the same be borne by those to whom of right

it shall belong, to be adjusted and recovered in time and place convenient.

Done and protested at Havana aforesaid.

(Signed)

JOHN L. CRANSTON.

JOHN JUDSON.

his

ANDREW ~~X~~ AMBREE.

mark.

his

WILLIAM ~~X~~ WOOD.

mark.

In testimony whereof the said deponents have hereunto subscribed their names, and I, the said consul, have hereunto set my hand and affixed my consular seal, this 19th day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

(Signed)

HENRY HILL, Junr.

(D)

ISLAND OF CUBA, HAVANA.

By this publick instrument of protest be it made known and manifest unto all whom the same doth, shall or may concern, that on the day of the date hereof before me, Henry Hill, jun. consul of the United States of America for the island of Cuba, resident at Havana, personally came and appeared John Date, late mate of the brig Success, of New York, whereof Nicholas Brum was master, John Fuller and Josiah Pelt, late seamen belonging to said brig, James Ferguson and John Smith, late passengers in said brig, who being severally duly sworn on the holy evangelists of Almighty God, did solemnly depose and say, That they sailed from Kingston (Jamaica) on the 6th day of the present month of July in the said brig Success, bound to New York (where the said brig is owned) with a cargo on board consisting of fifty puncheons of rum. That nothing material happened to them until the 12th day of the same month, when being in sight of Cape Antonio (the west end of this island of Cuba) about four miles distant, they were

met with, and the said brig was boarded by a small felucca privateer under Spanish colours, which these deponents understood to be the Buena Union, Captain Ulariago, from this port of Havana (then under the command of the mate, the said Captain Ulariago, as these deponents understood, being in this city) who, without any examination into the said vessel's papers, captured her, put a prize master and crew on board, and forcibly deprived the said master and these deponents of the possession of the said brig and her cargo, and took the whole crew, including the said master and the passengers (except six Frenchmen who were passengers in said brig) on board the said privateer.

That the said master of said brig was cruelly flogged, beaten, and otherwise abused on board said privateer, and was then sent on board his said brig. That these deponents were also cruelly flogged and beaten on board the said privateer, and at night thrown into the hold and placed in irons, where they lay without having any sustenance until the day following, when they were liberated from the irons and suffered to come upon deck.

That the said brig was not then to be seen, and these deponents were told by the privateersmen that they had sent her to Campeachy. That the said privateer two days afterwards came to anchor in a small bay near said cape, when these deponents were turned ashore (after being robbed of many articles of their personal apparel, and the mate of the said brig of his books, charts, and quadrant) without any sustenance, or the means of obtaining it, and were left to wander in an inhospitable part of this island, far removed from any town or inhabitants, and to support their lives in the best manner they could.

That being desirous of finding some town or inhabitants, amongst whom they might procure the necessaries of life, they wandered about a day or two, and at length came to a small village, where they were taken up before the commandant, who conceived them to be Englishmen, and forwarded them to this place (Havana) as such, whither they arrived on the 30th instant, and were conveyed first to the

guard-house, and afterwards to the common prison of the city, where they remained until this day, when they were liberated by order of the governour, and paid to the jailor seventeen dollars and an half, jail fees.

And thereupon the said several deponents did, in behalf of the said master, the owners, freighters, and all others concerned in the said brig and cargo, request of me to make their protest, and this publick act thereof.

Wherefore the said deponents do, and I, the said consul, at their request, also do, by these presents, most publickly and solemnly protest as well against the commander, officers, and crew of the said privateer and the owners thereof, as against all and every other person and persons whom it shall or may concern, for the capture and detention of the said brig and cargo, and the subsequent circumstances, and for all costs, damages, charges and expenses attending the same, to the end that the same be suffered and borne by those to whom of right it shall appertain, to be adjusted and recovered in time and place convenient.

Done and protested at Havana aforesaid.

(Signed)

JOHN DATE,
JAMES FERGUSON,
JOSIAH PELT,
JOHN SMITH,
JOHN FULLER.

In testimony whereof, the said deponents have hereunto subscribed their names, and I the said consul have hereunto set my hand and affixed my consular seal, this thirty-first day of July, in the year of our Lord one thousand eight hundred and five, and of the Independence of the United States the thirtieth.

(Signed)

HENRY HILL, Jun.

(E)

ISLAND OF CUBA, HAVANA.

By this publick instrument of protest be it made known and manifest unto all whom the same shall, doth, or may concern, that on the day of the date hereof, before me,

Henry Hill, jun. consul of the United States of America for the island of Cuba, resident at Havana, personally came and appeared Henry Palmer, master of the brig Jason, of Philadelphia, who, being by me duly sworn upon the holy evangelists of Almighty God, did solemnly depose and declare, That on the 7th day of April last he sailed and departed in and with said brig, laden with a cargo of salt, earthen ware, porter, dry goods, &c. from Liverpool in England, bound to New Orleans, consigned to different persons there, and to the best of his knowledge and belief, the property of citizens of the United States.

That in the prosecution of the said voyage nothing material happened until the 20th day of June, when being in sight of Cape Antonio, four or five leagues distant, he discovered two sail, at about two o'clock in the afternoon, which appeared in chase of his said vessel. That one of them came up with his said vessel about half past four o'clock, when she hoisted English colours and fired two guns, on which he hove to, and waited her coming up with him. That after coming within hail he was ordered by a person on board said privateer to come on board with his papers, which he did. After this deponent was on board the said privateer, the English colours were taken down, and Spanish hoisted, and this deponent understood the said privateer to be called the Buena Union, commanded by Jose Antonio Ulariago, the captain of which immediately after ordered the people of this deponent out of the boat, and sent four men in his said boat on board his said brig, and detained this deponent with two men who had come with him on board said privateer.

That after the people had got on board said vessel, some conversation passed between the captain of the privateer and the people he had sent on board the brig, and immediately after they altered the course of his said brig, and stood in towards the island of Cuba; soon after the other vessel which was in sight came up, which he, the deponent, understood was the French privateer Napoleon, commanded by one Pierre Liquet, which also changed her course

and stood in towards said island in company with said Spanish privateer and the deponent's brig. That on the same day at about ten o'clock at night, the three vessels aforesaid came to anchor near Cape Antonio, where the best bower anchor was lost, and a part of the cable, belonging to said brig, and where was also lying at anchor a small felucca French privateer: the morning following, the 21st ultimo, the privateersmen proceeded with his said brig to a small bay where there are a number of small islands, about six leagues from where the said brig had been anchored, and the said privateers accompanied her; in which bay the said brig was brought to anchor, where also the said privateers came to anchor. That amongst these islands there was laying an American schooner, called the *Mary of Camden*, which had been taken some time previous by the small felucca aforesaid, which accompanied the other privateers from Cape Antonio.

That this deponent was suffered, in the evening after coming to anchor, to go on board his said vessel, where he discovered that all his papers of every description, as well those relating to the vessel as to the cargo, and his own private papers, were taken, and that the privateersmen had broken into the hold of his vessel and taken out of a cask which they had broken open, a number of bottles of porter which belonged to the cargo of said vessel. That two days after their arrival at said bay, to wit, on the 23d, the privateersmen opened the hatches of his said vessel and took several packages of dry goods upon deck, when they descried a sail in the offing, on which the goods were put below and the hatches shut, and the said three privateers went out in pursuit of said sail, but soon after returned. That on the day following, the 24th, the privateersmen again opened the hatches of his said vessel, and took out all the dry goods, being about thirty-two packages, also one cask containing twenty bags of shot, and also a number of casks of porter, which they sent on board the different privateers, and also put on board the French privateer *Napoleon* all the dry goods and the said casks of shot, and nineteen half-

barrels of salt, and likewise robbed and plundered the said vessel of a considerable quantity of her rigging, furniture, and apparel.

And the said deponent doth further depose and say that they put on board the said schooner Mary twenty casks of porter, some crates of earthen ware and other articles.

That on the 28th the said brig was got under way, having a prize master on board from the said Spanish privateer and eight men, to her also belonging, together with this deponent and three of his men, the mate having been put on board of the privateer with three others of the crew of the said brig. That he, the deponent, was informed they were coming with said brig to Havana, but after coming to anchor at various places on the coast, at several of which a quantity of porter and salt was taken out of said brig and given to different people on the coast, and on the ninth instant they came to anchor with said brig in the harbor of Cavanass.

That the day following this deponent demanded leave to go on shore in order to make his situation known to the commandant, but was refused, and kept prisoner on board his said vessel until Sunday the 15th, when he was taken out, with one of his men, and put on board a small open boat, in which also embarked the prize master and four men belonging to the said privateer, and was informed by the prize master they were coming to this port. That on the day following they arrived at this said port, and this deponent was forcibly taken to the guard-house and not permitted to have any communication with any person, and was so kept in prison until the next day till about ten o'clock, when he was taken to the marine office and questioned relative to his capture, and was there set at liberty.

That he, the deponent, frequently demanded his papers of the said privateersmen, which consisted of the papers of the said brig, invoices, and bills of lading of cargo, about two hundred and twenty letters, and various other papers, but was uniformly refused them.

And on this same day before me also personally appeared

Nathaniel Houston, chief mate, late of and belonging to the said brig Jason, who being by me duly sworn upon the holy evangelists of Almighty God, did solemnly depose and declare that all and singular the matters and facts before stated and set forth are in every respect true.

Whereupon the said Henry Palmer doth, and I, at his request, do most publickly and solemnly protest, as well against the commanders, officers, crews and owners of the said Spanish and French privateers, as against all and every other person and persons whom the same shall or may concern, for the unlawful capture and detention of the said brig whilst in the prosecution of a lawful voyage, and the depredations, robbery and plunder committed upon the said vessel, her rigging, furniture and cargo, and for all damages, losses, costs and expenses which shall or may be sustained in the premises on account thereof. And the said Henry Palmer doth hereby reserve to himself the privilege of making any other or additional protest as need and occasion may require.

Thus done and protested at Havana aforesaid.

(Signed)

HENRY PALMER.

NATHANIEL HOUSTON.

In testimony whereof I have hereunto set my hand and affixed my consular seal this twentieth day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the thirtieth.

(Signed)

HENRY HILL, Jun.

(F)

CONSULATE OF THE UNITED STATES OF AMERICA:

ISLAND OF CUBA.

By this publick instrument of protest, be it known unto all whom the same shall, doth or may concern, that on the day of the date hereof personally appeared before me, Jacob Paddrick, a citizen of the United States, born in the county of Camden, state of North Carolina, late mate

of the schooner *Mary* of Camden aforesaid, Stephen Charles master; also John Davis and Jeremiah Greaves, both citizens of the United States, and late mariners on board of said schooner, who being severally duly sworn on the holy evangelists of Almighty God, did depose and say, that they sailed from Jamaica on board of said schooner bound for Charleston, South Carolina, and that while lawfully and peaceably pursuing their said voyage on board said vessel, with a cargo consisting of thirty puncheons of rum and five hogsheads of molasses, the property of citizens of the United States, they, together with said vessel and cargo, on the 22d day of May aforesaid, were captured by a felucca privateer under French colours, one Paul, commander, who took possession of said vessel and cargo and brought her to an anchor the same day near Cape Antonio. That the aforesaid Stephen Charles, master of said schooner *Mary*, was forcibly taken out of his said vessel and put on board of an American vessel bound to Charleston; that these deponents after remaining six or seven days on board said schooner, during which time she continued at anchor, were forcibly taken out of said vessel and put on shore at Cape Antonio, without any sustenance or means of obtaining it, and told to stay there and die, or go where they pleased; that they found several fishermen near the place aforesaid, who pitying their distressed situation, hospitably supplied them with provisions during six or seven days, at the expiration of which time Anselmo Henrique, who had a canoe and was fishing on the coast, was prevailed upon at the instance of these deponents to bring them to this city of Havana, on condition of their giving him their cloathing which they, these deponents, were obliged to do. That the said Anselmo Henrique having received their cloathing, took them on board his canoe and proceeded with them another way hither as far as the port of Cavanass, the commandant of which port could not suffer them to proceed farther in said canoe, declaring them to be Englishmen and spies, and placed them in the stocks as prisoners and kept them there about fourteen hours, when

they were liberated and suffered to proceed to this place by land with the said Anselmo Henrique, where they arrived this day.

And thereupon the said deponents in behalf of themselves, the said Stephen Charles and all others concerned in said schooner and cargo, do by these presents most publicly and solemnly protest and require of me to protest. Wherefore at the request aforesaid, I, the said consul, do protest as well against the commander, officers and crew of the said felucca privateer (the name of which is at present unknown) Paul, commander, and all others whom it may concern, for the illegal capture of the said schooner Mary and cargo, and the treatment the said master Stephen Charles, and they the said several deponents, experienced as aforesaid, and the dangers and hardships they encountered in consequence thereof, and for all damages, losses, costs and charges attending the same.

Thus done and protested at the said city of Havana.

(Signed)

JACOB PAIDDRICK,
JOHN DAVIS,
JEREMIAH GRAVES.

In testimony whereof the said deponents have hereunto subscribed their names, and I the said consul have hereunto set my hand and affixed my consular seal, the fourteenth day of June, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States the twenty-ninth.

(Signed)

HENRY HILL, jun.

(G)

Declaration of John Evans, master of the ship Eliza, of Norfolk, and of Charles Simmons, jun. and Edward Lowry, seamen belonging to said ship.

BEFORE me, Henry Hill, jun. consul of the United States of America, for the island of Cuba, resident at Havana, on the day of the date hereof, personally came and appeared John Evans, master of the ship Eliza, of Norfolk, and Charles Simmons, jun. and Edward Lowry, seamen belong-

ing to said ship, who being by me severally duly sworn upon the holy evangelists of Almighty God, did depose and say, and first the said John Evans,

That he sailed from Norfolk, in the said ship, on or about the 12th day of October last, with a cargo on board consisting of staves and provisions bound for Kingston, (Jamaica) the said cargo being the sole property of Conway and Fortescue Whittle, merchants of Norfolk and citizens of the United States ; that he arrived in and with said ship on or about the fifth day of November following, when the said cargo was sold for account of the said Messrs. Conway and Fortescue Whittle.

That from Kingston he proceeded in and with said ship to Anotta bay, on the north side said island of Jamaica, for the purpose of loading his said ship with a cargo, where he actually purchased and loaded on board said ship a cargo consisting of one hundred and seventy-nine puncheons of rum, for the sole account and risk of the aforesaid Messrs. Conway and Fortescue Whittle.

That he sailed from thence in and with said ship with said cargo, on or about the twenty-first day of March following, bound to Norfolk aforesaid, with all the necessary and usual documents on board to prove the said ship and cargo bona fide American property belonging to citizens of the United States.

That on the twenty-seventh day of same month, while peaceably and lawfully navigating his said ship for the port of Norfolk aforesaid, then being in sight of the isle of Pines, on the south side of this island of Cuba, he was met with, boarded, and unlawfully captured by a privateer under French colours, called the Vigilant, commanded by one Amado Dejan, as he understood, who forcibly and unlawfully deprived this deponent of the possession of his said ship and cargo, and placed a prize master and men on board thereof from the said privateer, and with force and violence took this deponent out of his said ship, together with Oness Danion, first mate, and Richard Thomas, second mate thereof, and six of the seamen of his said ship, and

landed them on the west end of said isle of Pines with only one day's provisions, and without the means of procuring further sustenance. That this deponent with his said mates and crew, remained at said part of said island, which is entirely uninhabited, about two weeks, and supported themselves on fish which they caught, there being no other food or sustenance to be procured; at the expiration of which time, that he, with his said mates and crew, took passage in a Spanish vessel which casually touched there, and were transported to the east end of said island of Pines, where there are some inhabitants; from whence this deponent, with his said mates and crew, after remaining four or five days, took passage in a Spanish vessel and proceeded to Batabano, in this island of Cuba, from whence they proceeded by land to this city of Havana.

That after being some days in this city, this deponent heard his said ship had been taken into Batabano, and soon after saw the prize master here who was put on board his said ship, who gave to this deponent the following papers of said ship, declaring at the same time that he considered the said ship and cargo American property, that the captain of said privateer had absconded and left him without support, and that he had no idea of pursuing her as lawful prize, and had abandoned her; that the papers which were delivered to this deponent were the following: 1. The Mediterranean pass of said ship. 2. Sea letter. 3. Clearance from Norfolk. 4. Articles of agreement between master and mariners of said ship. 5. Certified list of crew. 6. Bill of health, &c. 7. Ship's log book.

That the said ship had a register and certificates of property of cargo, bills of lading, invoices, &c. at the time of capture, which were taken from him and which were not delivered up with the other papers, and which this deponent understood, and has reason to believe, were unlawfully and wantonly destroyed. That this deponent, after ascertaining that his said ship was in Batabano aforesaid, and after receiving the said papers, did, on the seventh day of May last, present to his excellency the Marquis

of Someruelos, captain general of said island of Cuba, a memorial, wherein he stated the capture of the said ship, and prayed that she might be restored to the rightful owners, from whom she had been unlawfully captured.

That not having any reply to his memorial, he shortly after again memorialized his excellency, praying that he would order his ship to be restored; that not having any reply to this his second memorial, and understanding that a part of his crew, who were suffered to remain on board at the time of capture, were detained as prisoners on board in the said port of Batabano, and were suffering for the want of the necessaries of life, and that the Frenchmen who remained on board, and the Spaniards from shore, were daily plundering from his said ship and cargo; and wishing to know the state thereof, and to grant some relief to his crew, he proceeded to Batabano without a passport (the captain general having refused him one) with intent to go on board his said ship. That on his arrival at Batabano he was prevented by the commandant there from going on board his said ship, and was ordered by him immediately to return to this city, or that he would send him back prisoner under a guard of soldiers. Wherefore this deponent was obliged to return. That on the fourteenth day of June he again memorialized his excellency, presenting therewith all the papers of the aforesaid ship, delivered up to him by the prize master aforesaid (except the sea letter which was presented with his first memorial.) In consequence of which, on the day following, a decree was given, ordering his said ship and cargo to be restored and delivered him, and a passport granted for him to proceed to Batabano and take possession thereof.

That for this purpose he proceeded to Batabano, and on his arrival there, the 24th of June, he presented his passport and order to the commandant there, who sent with him an officer and two soldiers to execute the said order, and give him possession of his said ship. That, accordingly, on the 25th day of June, he received possession of his said ship, and on examination thereof and of her cargo,

there was a deficiency of the following articles, which had been plundered from her since the capture aforesaid, to wit: Two boats, a string cable, three anchors, two new top sails, a new fore sail, four studding sails, two royals, several spars, all her spare running rigging, all her cabin furniture and water casks, besides blocks, and many other small articles, and from her cargo ninety-six whole puncheons rum, there being only eighty-three remaining on board, and many of these wanting from ten to fifty gallons, so that this deponent conceiving that the contents of the said eighty-three puncheons would not more than fill sixty.

That an account was presented to him at Batabano against said ship, of upwards of nine hundred dollars, for various articles which had been taken up, upon the credit of the said ship, by the Frenchmen who captured her, which this deponent was obliged to satisfy before he was suffered to depart with his said ship.

That on the 12th day of July instant, he departed in and with the said ship from the bay of Batabano, and arrived at this port of Havana, on the 26th day of July instant, without any material accident happening, and came to anchor at the mouth of the harbour, not being permitted to come on with said ship, for the purpose of supplying himself with the necessary stores, cables, &c. to proceed on his voyage to Norfolk aforesaid, whither he is bound.

And the aforesaid Charles H. Simmons and Edward Lowry depose and declare, that all and every the matters and things set forth and declared by the said John Evans in the preceding declaration, relating to the capture of the said ship, and to the deficiency therein stated of her cargo, apparel, furniture, &c. are to their knowledge just and true.

That they were detained on board said ship after the capture, and held prisoners on board, frequently wanting for the necessaries of life, until she was given up to the said Captain Evans, as stated in his declaration.

That before the said ship was taken into Batabano, she was brought to anchor by the said privateersmen upon the

coast of Cuba, about ten leagues to the west end of said port of Batabano, where they took from her cargo a number of puncheons of rum, and put them on board of a schooner.

That the said ship was again brought to anchor before her arrival at Batabano, about one league from the port, where the said privateersmen also took from her cargo a number of puncheons of rum, and put them on board a Spanish sloop, which these deponents understood belonged to the king's pilot at Batabano, who assisted the said privateersmen in the robbery.

That on the said ship's arrival at Batabano a number of puncheons of rum were there taken out of said ship, and carried on shore by the said privateersmen, assisted by some Spaniards from shore, who during the said ship's remaining there, night after night smuggled on shore from the said ship quantities of rum, which they drew from the puncheons on board into small kegs. That the said Frenchmen and Spaniards daily plundered the rigging and furniture of said ship, and were very abusive, and gave much ill treatment to these deponents.

(Signed)

JOHN EVANS,

CH. H. SIMMONS, jun.

EDWARD LOWRY.

AND the said John Evans having applied to me the said consul to make this his protest in the premises, I have granted this publick certificate thereof to serve and avail him, and all in the premises aforesaid as occasion may require.

Wherefore, the said John Evans, in behalf of himself, the freighters, owners, and all others concerned in the said vessel and cargo, doth, and I the said consul, at his desire, do by these presents protest as well against the commander, officers and crew of the aforementioned privateer, as against all and every person or persons concerned therein, for the capture of the said vessel, and the robbery and plunder committed upon the said vessel and cargo, for all damages, losses, costs and expenses, already sustained or which shall

or may hereafter be sustained, suffered and incurred in the premises on account thereof.

Done and protested in the city of Havana, agreeably to mercantile laws in such cases used and approved of.

In testimony whereof the said deponents have hereunto subscribed their names, and I the said consul [L. s.] have hereunto set my hand and affixed my consular seal this second day of August, in the year of our Lord one thousand eight hundred and five, and of the independence of the United States, the thirtieth.

(Signed)

HENRY HILL, jun.

Extract of a Letter from Josiah Blakéley, Esq. Consul of the United States at St. Jago in Cuba, to the Secretary of State, dated 7th June, 1805.

“THE brig Trio, of New York, from Liverpool for New Orleans, cargo dry goods, has been wholly unloaded, and is now offered for sale. After taking all the dry goods out of the ship Governor Strong, of Alexandria, Clark, master, her captors have returned her to the captain.

“Since the last evacuation of Hispaniola, more than one thousand American seamen have been landed in this port, most of them without clothes, and all without any possible means of support, but such as they receive from their own government.”

Extract from the same to the same, dated 1st July, 1805.

“THE scene of robbery, destruction, evasion, perjury, cruelty and insult, to which the Americans captured by French pirates and brought into this, and the adjacent ports, have been subjected, perhaps has not been equalled in a century past.”

RECEIVED IN MR. BLAKELEY'S LETTER OF JULY 1, 1805.

<i>Vessels.</i>	<i>Of what place.</i>	<i>Whence.</i>	<i>Master.</i>	<i>Where bound.</i>	<i>When capt'd.</i>	<i>Privateer.</i>	<i>Commander.</i>	<i>Cargo.</i>
Schooner Maria, Brig Bulia,	Charleston, New York,	Bayano, New York,	B. Repon, Robert Perry,	Charleston, Island of Cuba,	1805. March 14, Plundered March 14.	Jalouzie, Languille,	C. Filke, Cadet,	Wood and hides. Flour & provisions.
Schooner Tickler, Brig Alert, Sloop Little Jack, Schooner George,	Baltimore, do. New York, Washington, N. C.	Gonaives, Jeremie, do. Manchienel, (Jam.)	Thomas Frost, Samuel Smith, John Jones, N. M. Fidge,	Port au Prince, Baltimore, New York, Georgetown, S.C.	April 4. — 2, — 1, — 1,	— Regulator, Lexperance, Not believed,	— John Jack, Big Joseph, Chevalier,	Coffee and cotton. Coffee. do. Rum, sugar, and molasses.
Ship Governor Strong, Brig Trio, Schooner Ann, Brig Ohio, Ship Ann, Brig Fame,	Alexandria, New York, Baltimore, New York, do. do.	Liverpool, do. Jeremie & Jamaica, New York, Savannah, St. Jago de Cuba,	Thomas Clarke, George Frame, Robert Dobbin, Wm. Rust, Caleb Johnson, John Powell,	New Orleans, do. Baltimore, Jamaica, do. New York,	— 1, — April 27, May 6, — 6, April 25.	Languille, — Regulator, Desire, do. Independence,	Cadet, — John Jack, N. Papon, do. Bartholomew,	Salt, cky. ware, &c. Bale goods & crates Coffee. Staves, corn, &c. Rice, lumber, &c. Logwood, sugar, and coffee.
Brig Fame, Schr. Mary Brownrig,	Biddelford, New York,	Boston, New York,	Andrew Sprigg, Saml. Magrath,	Baracoa, St Jago de Cuba,	— 6, — 23,	La Lize, —	Dumaine, —	Lumber, beef, &c. Provisions and dry goods.
Brig Sally, Brig Susannah, Ship John and James,	Summerset, Philadelphia, Baltimore,	Jamaica, Philadelphia, Baltimore,	John Chase, Samuel Creswell, C. Langford,	Summerset, St Jago de Cuba, do.	— 25, May 22, April 11,	Jalousie, La Lize, L'Incrovable,	Camille, do. Chevalier,	Rum. Flour. Flour, provisions, and dry goods.
Schooner Harriet, Brig Clarissa,	New York, Philadelphia,	New York, Charleston,	Robert Williams. G. B. Dawson,	do. Barcelona,	June 4, May 29,	Renard, La Lize,	John Jack, Dumaine,	Flour, fish, and dry goods. Flour, provisions, and dry goods.

St. Juan, (Porto Rico) September 12, 1805.

JAMES MADISON, ESQ. SECRETARY OF STATE OF THE U. S. OF AMERICA.

SIR,—When depredations on neutral property by powers at war become the order of the day, when no respect is paid to existing treaties, I conceive it a duty incumbent on every individual to note every such infringement, and to give advice of it to the executive of that government to which he belongs.

As I am unaccustomed to a forensick style I shall simply relate my own case, and whatever has come under my immediate observation during my short stay in this island. I left Norfolk on the 1st June last in the brig Catharine, bound for the island of Antigua, laden with a cargo of provisions and lumber, where I arrived, and sold said cargo. I left the island of Antigua on the 29th July, with a return cargo, bound back to Norfolk. On the 4th August in lat. 23 deg. 10 min. N. and long. 65 deg. west, was captured by the French brig called General Blanshot, John Baptiste de Bruse, commander, and sent into one of the ports at the west end of this island. The privateer plundered me of my stores and ship's provisions and part of the cargo. The vessel was immediately stripped of her sails and rigging and sent on shore, my people taken out, put on board of another vessel and sent out of the island. Under these circumstances I came to the city and applied to the governor, requesting his interference, stating to him that my papers were perfectly regular, and that my capture was of course illegal; and I likewise requested him to order security to be given for the amount of my brig and cargo, as the agent of said privateer was a resident merchant of this city. But all my representation has been to no effect. He has absolutely refused to take cognizance of my business. My papers remain in the hands of Mr. Duabon, the agent of the captors. I may be detained here many months to come, and the vessel and cargo exposed to a total loss. My trial, if any I am to have, must be by the determination of this government either at Martinique or Gua-

daloupe : thus under the present circumstances this island may become the asylum of pirates and robbers. No pretence has been given for my capture, as I came from an English island I might have English property on board. At the time of my capture, my cabin boy was carried on board the privateer, and put in irons, threatened with severe chastisement unless he would declare that specie was deposited in some part of the vessel. This attempt proving fruitless, I now (in all probability) must be the victim of measures dictated by men without principles of honesty or honour. Thus far as relates to myself. I shall now take the liberty of relating to you some other particulars that have come under my observation. At my arrival at the port of my entry on the west end of the island I found at anchor the brig *Susanna* of Portland, (Me.) the captain's name I do not recollect; said brig arrived the day before and prize to the same privateer; she was from Portland bound to Jamaica and was taken on her outward bound passage with a cargo of fish and lumber; said brig was immediately unloaded and ballasted with sand, and without more ceremony the captain and crew of said vessel, together with the mate and crew of my own vessel, were shipped off with a very scanty supply of provisions, and left to search for the first port they could make. On the 4th inst. arrived the brig *Polly* of Tiverton (R. I.) captain Trip; and the 5th inst. the schooner *Mary Ann* of Boston, captain Anthony, and bound to the island of Barbadoes, loaded with cattle and horses and provisions under deck. They are prizes to a Spanish Xebeek from Cadiz bound to Vera Cruz. The captains live still on board with their crews, and may remain so for many days to come, while the captor and his agent are prosecuting every measure to effect the condemnation of said vessels as lawful prizes.

I am, &c.

(Signed)

JOSEPH LEONARD,

Native of New Hampshire and resident of Virginia.

Extract of a Letter from Governour Claiborne, to the Secretary of State, dated New-Orleans, Oct. 24, 1805.

SIR,

I AM sorry to inform you of the embarrassments to which the citizens of the United States are subjected, who navigate the Mobile river. All American vessels passing by the town of Mobile, are brought to, and a duty of per cent. exacted, both on imports and exports. These duties are even required on articles passing to and from the garrisons and factories of the United States. I have addressed, on this occasion, a letter to Mr. Morales, by whom it is said this proceeding was authorized; but in his answer, which was this morning received, he professes to be unacquainted with the particulars, and declines any interference, until he should advise upon the subject with the governour of West Florida.

I have certain information of the arrival at Pensacola of four hundred troops from Havana; and that a much larger number is daily expected. I also learn from a source entitled to credit, that three hundred men are ordered from Pensacola to Baton Rouge, and that eight hundred Spanish troops have lately been posted on the frontier of the province of Taxus. It is a fact known to me, that a Spanish agent has contracted with a merchant of this city for the delivery at the town of Mobile of four thousand barrels of flour, and that this same agent, not being able to effect a contract for the delivery of four thousand pair of shoes at Mobile, has purchased a quantity of leather. The marquis of Casa Calvo being absent from this city, it is my intention to inquire of governour Folch an explanation of the object of these military movements. I flatter myself that hostilities between the United States and Spain may be avoided, and that an honourable adjustment of our differences may ensue. But I am inclined to think, that the Spanish agents calculate on a speedy rupture, and are making all the preparations, which their means permit, to commence the war in this quarter to advantage. New-

Orleans would unquestionably be the first object of attack, and with a view to its security, I should be pleased to see fort St. John repaired and put in a state of defense; that fort commands the mouth of the Bayou, and if strengthened, would present a great impediment to the passage of troops from Pensacola and Mobile, by the way of the lakes to this city. The works are in ruins, but might readily be repaired and made defensible without any considerable expenditure.

Extract of a Letter from Henry Toulmin, Esq. Judge in the Mississippi territory, to the Secretary of State, dated July 6, 1805.

“ You are informed, no doubt, that all the vessels to and from this country, even though bound to fort Stoddert, and clearing out from fort Stoddert, are obliged to come to at Mobile, and to pay twelve per centum ad valorem, on their cargoes, according to the estimate of the Spanish officers.

Such an exaction as this, you may well conceive, must be ruinous to this country, and is moreover the source of perpetual heart-burnings and contention between our citizens and the subjects of his Catholic majesty.

There are two vessels, which have lately undertaken, as I am told, to pass, without calling at Mobile, from this country, laden with cotton. I cannot but anticipate unpleasant consequences, but will inform you of the result, when acquainted with it.”

Extract from the same to the same, dated Aug. 8, 1805.

“ I MENTIONED to you in a letter some time since, that I understood that a vessel then lying in the river was about to pass the Mobile without calling. Captain Schuyler, who is just now from Orleans, tells me, that she passed Mobile in the night; that the Spaniards were exceedingly irritated, and threatened to imprison the owner of the cargo on his return from Orleans, and to confiscate the vessel, if she ever appeared there again. They also talked of

building a gun boat for the purpose of compelling vessels to stop."

Extract from the same to the same, dated Oct. 11, 1805.

"DUTIES are still rigorously insisted upon at Mobile, cargoes unladed and inventories taken of them, in order to ascertain the duties to be paid. The schooner Cato, which went down the river without calling, is still detained and will probably be confiscated, if not her cargo. I could not even get a few articles, belonging to the United States, from on board of her, which I had requested to apply for when there, in behalf of Mr. Dinsmoor and Mr. Chambers. If they continue their exactions, this country must inevitably be ruined: I mean that the settlements will be abandoned. Many are now preparing to go; some probably for other reasons, but the greater part, I believe, on this account; and most who go, will become subjects of the Spanish government."

NEW ORLEANS, AUGUST 7, 1805.

SIR,

IN my communication of the 29th ultimo was enclosed a letter to me, from the marquis of Casa Calvo, (soliciting that the Spanish officers now in this territory may be exempted from the payment of the municipal tax) together with a copy of my answer thereto.

I now have the honour to transmit you a second letter from the marquis, on the same subject, together with a list of the officers alluded to; and if it be not improper, I should be glad to hear your sentiments as to the propriety of the exemption solicited: my own opinion is, "that the officers generally, who possess property within this territory, are liable to taxation; nor can exemption be made in favour of the *marquis* and the members of his family, until he shall have been recognised by the President as an agent of Spain." You, no doubt, will be surprised to find so many foreign officers in this city; the fact is, sir, they are wedded to Louisiana, and necessity alone will induce them

to depart. I have repeatedly, by letter and verbally, informed the marquis that the continuance in this territory of "so many Spanish officers, so long beyond the right occasion for it," was not seen with approbation, and urged their departure. The marquis has often assured me of his disposition to comply with my wishes, but you will perceive that the inconvenience is not yet remedied.

I have the honour to be, &c.

WILLIAM C. C. CLAIBORNE.

The Hon. JAMES MADISON, Secretary of State.

To the Governour of the Territory of Orleans.

SIR,

IN consequence of the letter that your excellency has been pleased to write to me, relating to the doubt which I manifested concerning the persons employed in the commission of limits, and other subjects of his Catholic Majesty, who are yet in, but about to depart from this province, I enclose to your excellency the lists of the persons who now compose the said commission, together with that of the individuals who are about to depart from this country, as soon as their business therein shall be terminated, and also that of the retired individuals, and of the widows en pensions, who may remain in this province. May your excellency live many years.

(Signed) THE MARQUIS DE CASA CALVO.
New Orleans, Aug. 2, 1805.

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

A List of the individuals composing the expedition of the Limits of the Province of Louisiana, as approved by his Catholic Majesty's order of Aug. 20, 1804.

Principal Commissioner—the brigadier general, Marquis de Casa Calvo ;

Associate Commissioner—lieutenant colonel Don Joseph Martinez de Crosa, brigade major in the corps of engineers ;

Secretary—the commissary at war *ad honores*, Don Andrew Lopez Armesto ;
 Clerk—the first serjeant of the regiment of the Havana, Antonio Martinez ;
 Captain—Don Nicolas Finiels ;
 Captain in the army—Don Stephen Minor ;
 Captain in the militia—Don Thomas Power ;
 Chaplain—Don Sebastian Gili ;
 Surgeon—Don Joachim Ablandedo ;
 Commander of the escorting troops—Don Benigno Garcior Calderon, adjutant in the regiment of Louisiana ;
 Serjeant of the same—John B. de la Cruz, with a corporal and ten grenadiers ;
 Adjutant—Don Ignatius Fernandez, adjutant of the regiment of Louisiana ;
 Officer of the revenue—Don John Tala ;
 Clerk of the same—Don Felix Tala, his son ;
 Surgeon of the hospital—Don Fernando Moreno ;
 Commandant of the galliot and smaller boats—Don Anthony Molina ;
 C^o. ^minter—Manuel Guillemain.

NOTE. That for the purpose of purchasing timber for the navy, the fourth officer of the naval administration, Don Anthony de J. Carra, and his clerk, Don John B. Bernendez, are in this place.

(Signed) ANDREW LOPEZ ARMESTO,
 New Orleans, July 30, 1805. Secretary.
 MOREAU LISLEY, *Interpreter*.

List of the Persons employed by his Catholic Majesty, who are to depart as soon as their business shall be terminated.

Administration of the King's Revenue.

- 1 Don John Ventura Morales, paymaster general of the army, late intendant, *pro tempore*, in this province ;
- 2 Don Gilbert Leonard, treasurer of the army, late paymaster general, *pro tempore*, in the said province ;

- 3 Don Manuel Armirez, treasurer, *pro tempore* ;
- 4 Don Cayetano Valdez, secretary of the intendancy ;
- 5 Don Francis Arroya, destined by a royal order for Porto Rico ;
- 6 Don Joseph Rueda, who is to go to Campeche.

Custom House.

- 1 Don Joseph Anthony de Hoa, administrator ;
- 2 Don Anthony Morales, treasurer ;
- 3 Don Manuel Toledano, officer of the guard of the custom house.

Royal Hospital.

- 1 Don Joseph Trustas, surgeon, who has order of the king to retire into Pensacola.

Surveyor General.

- 1 Don Charles Trudeau.

(Signed) **DON ANDREW LOPEZ ARMESTO,**
Secretary of the Commission.

New Orleans, July 30, 1805.

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

A List of the Officers in his Catholic Majesty's service, who are to depart immediately after having terminated their business.

Officers who belonged to the late Staff of this place.

- Town Major**—lieutenant colonel Don Gilberto Guillemard, who is on the point of going to Pensacola ;
- Adjutant**—lieutenant colonel Don Paul le Blanc, who is to go to the same place ;
- Adjutant**—captain Henry Mentzinger, who is ordered to go to the said place.

Officers of the Regiment of Louisiana.

Captains.—Lieut. Cols. Don Zenon Trudeau, Don Ignatius Delino, Don Joseph le Blanc, Don John Lassize,

Don Felix Trudeau. They ought to have joined their corps, and for not having yet done it, are exposed to lose their commissions.

Militia.

Captain—Don Lewis de Clonet, late commander of the same.

Army.

Lieutenant Colonel—Don Peter Rousseau, who has solicited his retreat.

Captain—Don Henry Peyroux.

Posts.

Don Peter Marin, late administrator of the same.

(Signed) ANDREW LOPEZ ARMESTO.

New Orleans, July 30, 1805.

I do certify the above translation.

MOREAU LISLEY, *Interpreter.*

List of the retired Officers, and of other persons employed in the service of his Catholic Majesty, who remain in this province, in order to settle their business, or on account of their old age or usual infirmities.

- 1 Don Nicholas D'Annoy, colonel of the royal corps of artillery ;
- 2 Don Manuel Perez, lieutenant colonel ;
- 3 Don Peter Favrot, lieutenant colonel and captain of grenadiers, (with a royal permission for two years.)
- 4 Don Manuel Panzos, 5 Don Francis Rivas, 6 Don Joseph Barmonde, 7 Don William Dupare—Captains.
- 8 Don Lewis Tudice, 9 Don Stephen Lamorandier—Lieutenants with the grade of captains.
- 10 Don Charles Morant, adjutant general of militia ;
- 11 Don Charles de Villiers, 12 Don Jon Vives—1st Lieutenants of militia, with a royal permission for three years.
- 13 Don Peter Faillon, 14 Don Joseph Piernas, 15 Don

Manuel Soileau, 16 Don James Fernandez, 17 Don Silvestre—2d Lieutenants of militia.

18 Don Henry Darcaneel, officer of administration.

NOTE. By a particular favour of his majesty, the widows of the persons employed, who are enjoying of pensions, though they are unable to go to Pensacola, are the following:

- 1 Donna Marquisite Waths, widow of the brigadier Don Manuel Gayero de Limos, late gov. of this province;
- 2 Mrs. Villemont;
- 3 Mrs. Bouligny;
- 4 Mrs. Pariis;
- 5 The Baroness de Browner;
- 6 Mrs. Trevino;
- 7 Mrs. Causot;
- 8 Donna Françoise Trudeau;
- 9 Mrs. Zespedes.

NOTE. There was a small number of retired serjeants and privates, who are to go to Baton Rouge or Pensacola.

(Signed) ANDREW LOPEZ ARMESTO.

New Orleans, July 30, 1805.

I do certify the above translation.

MOREAU LISLEY, *Interpreter*.

120 MILES FROM NEW ORLEANS, AUG. 26, 1805.

SIR,

THE report of the retrocession to Spain of the country west of the Mississippi had also prevailed in New Orleans.

The evening previous to my departure, being on a visit to the Marquis of Caso Calvo, I asked him if he knew upon what authority that report was circulated? He answered in the negative, and added that he had understood the negotiation was suspended, and that Mr. Monroe had left Madrid,—he further said that the minister of state (Cevallos) had informed him (the Marquis) that the desire of the court of Spain was, to make “the Mississippi river the boundary, and in time it was expected, that that

object would be attained." The Marquis delivered himself in the French language; from my imperfect knowledge of French, it is probable I may have misunderstood some of his expressions, but I am sure I have given you the substance of what he said. The *prospect* of a *retrocession* of the west bank of the Mississippi, is now, and has always been the theme of the Spanish officers who remain in this territory; and many citizens seem to view it as an event likely to happen:—an impression which I greatly regret, since it tends to lessen their confidence in the American government, and to cherish a Spanish party among us. Next therefore to a final adjustment of limits with the Spanish government, I most desire to see every Spanish officer removed from the ceded territory. There certainly must be a power some where vested, to cause to be executed the clause in the treaty which directs "the Spanish forces to be withdrawn within three months from the ceded territory," and I should indeed be pleased to have it hinted to me, that in my character as commissioner or governour, I could on this occasion take (if necessary) compulsory measures.

I have the honour, &c.

WILLIAM C. C. CLAIBORNE.

The Hon. JAMES MADISON, Secretary of State.

The Governour of the Mississippi Territory to the Secretary of State.

Mississippi Territory, Town of Washington, Sept. 14, 1805.

SIR,

THE enclosed affidavits, marked No. 1 to 11, inclusive, will inform you of some outrages committed within this territory by two Spanish parties. The letters marked No. 1 to 5, and an order to Col. Ellis, will inform you of the steps which I have thought it advisable to take. The messenger with my letter to governour Grand Pré has not returned, although he was requested and undertook to be back by this morning. I have not received any answer to my despatch to you on this subject of the 14th June.

If, sir, I am to risk any thing on this occasion, it shall be in defence of the liberties and the property of the citizens, and in support of the honour and independence of my government: and I hope the measures taken and advised by me will not be found adverse to the views of the executive or to the interest of the United States.

I am, with respect, yours,

(Signed)

ROBERT WILLIAMS.

The Hon. JAMES MADISON, Secretary of State.

AFFIDAVIT, No. 1.

Wilkinson County, Mississippi Territory.

PERSONALLY appeared before me, one of the justices of the peace for said county, Arthur Cobb, jun. and being duly sworn, according to law, on his oath depose, that on the night of the 3d of September, 1805, being at the house of Samuel Kemper, or otherwise the tavern of the Kempers, between the hours of eleven and twelve, he wakened from his sleep by the cry of murder and robbers. On leaving his bed, he saw a man in actual contest with Samuel Kemper—on proceeding further, he saw another man and afterwards one more, and all being armed with instruments of death, such as guns and pistols, he thought proper to retreat to call assistance; that afterwards a pistol was found, which must have belonged to one of those men, and from every appearance he believes it to belong to Ira Cook Kneeland.

(Signed)

ARTHUR COBB, jun.

Subscribed and sworn to before me,

(Signed)

JOSHUA BAKER, J. P.

AFFIDAVIT, No. 2.

LIKEWISE, as sheet No. 1. appeared William Westbery, and depose, that at the same time being awakened from his sleep by the breaking open the door—that on rising he saw he thinks five men in the act of beating with a stick Samuel Kemper in the town of Pinckneyville—that he saw them drag him by the hands, heard the men give orders to

tie his hands with a rope—that said Samuel Kemper gave the cry of murder, and that was the last he saw or heard of them.

(Signed)

WILLIAM WESTBERRY.

Subscribed and sworn to before me, this 3d day of September.

(Signed)

JOSHUA BAKER, J. P.

AFFIDAVIT, No. 3.

LIKEWISE at the same time appeared before me James Latta, who deposeth on oath, that at the same hour, being just awakened by some man requesting to see Samuel Kemper, he heard them ask for whiskey, and being asked who he was, said a friend; that they then being in the house, broke open the door of said Kemper's private lodging room, that he, Latta, attempting to rise, was thrown back on the bed by two men, who said they would take his life if he spoke—That there appeared to be five men in number, and all disguised in black paint, that after some short time he got an opportunity of escaping—when he went for assistance, and before his return, they had borne off the said Samuel Kemper, and he saw them no more.

(Signed)

JAS. LATTA.

Subscribed and sworn to before me this 3d day of September.

(Signed)

JOSHUA BAKER, J. P.

AFFIDAVIT, No. 4.

Wilkinson County, Mississippi Territory.

PERSONALLY appeared before me, one of the justices of the peace for said county, John Atkinson, Henry Gamheart, Richard Richardson and John Whitaker, who, being duly sworn according to law, on their oaths depose, that on the night of the 3d September, 1805, being at the house of Nathan Kemper, in the vicinity of Pinckneyville, between the hours of eleven and twelve, they heard some person hail the house, and on being asked two or three times who

they were, they steadfastly affirmed it was captain Abrams. Immediately afterwards they opened the door, which swung on the inside of the house and was fastened by a string on the inside—immediately on this Reuben Kemper, appeared to be only at that moment awaked from his sleep, asked who was there? when they immediately seized him, dragged him out of the house, and tied him, after bruising him very much with a club or clubs.

Almost at the same time they dragged Nathan Kemper from the bed wherein he lay with his wife, and tied him also, but did not beat him as much as they did Reuben. Said Nathan Kemper, requesting to see his wife, was refused in very rough language; she likewise was refused in her request of seeing her husband. On Nathan Kemper's asking what they had done to deserve such treatment, was answered, God damn! you have ruined our country, which he, Atkinson, believes to be the American territories of Spain. That the said Nathan Kemper's wife received considerable injury from the violence of these men, who all appeared armed with guns, pistols or clubs.—That in the act of confining the above two men, they cocked and uncocked their guns a great many times, and ordered every man in the house to tell his name, and kept a strict guard at both the doors of the house, and would not admit of any one of the family or any one that did not belong to their party passing and repassing, as they frequently presented their guns cocked, and said they would blow the first one through who attempted to oppose them.—That they then gave a regular military word, forward march, and at the second word of command they proceeded on their way, and bore off both Reuben and Nathan Kemper.

That the next morning they saw a considerable quantity of blood apparently issuing from the wounds of Reuben Kemper.

(Signed)

JOHN ATKINSON,

HENRY GAMHEART,

RICHARD RICHARDSON,

JOHN WHITAKER.

Subscribed and sworn to before me, this third day of September.

(Signed)

JOSHUA BAKER, J. P.

AFFIDAVIT No. 5.

*Territory of Orleans, county of Point Coupee, Sept. 5,
1805.*

ON this day appeared before me, Ebenezer Cooley, a justice of the peace, for the county of Point Coupee, Nathan Kemper, who, being duly sworn, declared :

That on the night of the 3d instant, as he believed, between the hours of 11 and 12, the doors of his house were forced open by a party of armed men, amounting, as well as he could ascertain, to the number of eighteen or twenty; that as soon as the party had entered, they cried surrender, seized his brother Reuben, and dragged him out at the door. After a struggle, during which they had beat him with a club, and so choaked him that he had barely power to say, I surrender. During this time a part of the same party seized the deponent by different parts of the body, and dragged him from his bed, where he lay with his wife and child, out through the door; after which, he heard some of the party who remained in the house, cry out, if the bitch utters another word, put her to death. Whereupon he heard a blow given at the bed, and though he frequently called to his wife, to know if she was still alive, could get no answer. After the deponent and his brother Reuben had been fast bound, they were conducted along the road leading to Pinckneyville, as far as the plantation of Mr. Abraham Haton, being still within the limits of the Mississippi territory ; and thence down the main road leading towards the line of demarcation. At some small distance above the line, they were conducted a short way into the woods, where they halted a considerable time, until he heard a detachment of the same party coming along the main road, to which they were again led back from the wood, and discovered their brother, Samuel Kemper, in the custody of the said detachment. From thence they were conveyed across the line of demarcation, and delivered to Capt. Solomon Alston, by whose party they were put on board a piroque at Tunica landing, under a guard of six

armed men, who said, their orders were to take them to Baton Rouge, and there deliver them at the fort. From Tunica they departed about day break, and as they passed along by the shore of Point Coupee, called out that they were American citizens, and clandestinely taken from their habitations within the Mississippi territory. After which they were rescued by lieutenant Wilson, commandant of the garrison at Point Coupee. The deponent farther says, that among those who surrounded his house, he recognised the following persons: Minor Butler and his brother-in-law Ritchie, Abraham Horton, and several of said Horton's negroes, all inhabitants of the Mississippi territory.

(Signed)

NATHAN KEMPER.

Sworn before me this 5th day of September, 1805.

(Signed)

EBENEZER COOLEY,

Justice of the Peace.

AFFIDAVIT, No. 6.

Territory of Orleans, County of Point Coupee, Sept. 5, 1805.

ON this day appeared before me, Ebenezer Cooley, justice of the peace for the county of Point Coupee, Samuel Kemper, who being duly sworn, declared:

That on the night of the 3d inst. about the hour of 12, as he believed, being at his house in the town of Pinckneyville, in the Mississippi territory, he heard a knocking at the door, and asked who was there? An answer was made, which he did not understand, and the outer door burst open. The door of the bed room was then forced, and a blow made at the bed with a double-barrelled gun. Deponent was then seized, and dragged out of the bed by a number of men, who drew him into the room which they had first entered, and from thence after a struggle, into the street. He was then thrown on the ground, and a rope was tied round his neck, by which he was dragged about one hundred and fifty yards. He was then suffered to stand upright, and attempted, by crying out, to give an alarm, upon which he received a stroke of a pistol on the head, by which he was stunned. The rope being removed from his neck to his arm, he was

compelled to run for the space of about a quarter of a mile, after which he was forced to get up behind a man on horseback; a negro who ran on foot still holding the rope by which his wrist was tied. He was then led along the main road across the line, and delivered to a party of men, who conducted him to the landing of Bayou Tunica. Then he was put on board a piroque, with his two brothers, Reuben and Nathan Kemper, and conducted down the river towards Baton Rouge. When opposite Point Coupee, they gave the alarm, and were received by lieut. Wilson, commandant of the garrison of Point Coupee.

(Signed) SAMUEL KEMPER.

Sworn before me this 5th day of September, 1805.

(Signed) EBENEZER COOLEY,
Justice of the Peace.

AFFIDAVIT, No. 7.

Territory of Orleans, County of Point Coupee, Sept. 5, 1805.

ON this day appeared before me, Ebenezer Cooley, justice of the peace for the county of Point Coupee, Reuben Kemper, who being duly sworn, declares:

That on the night of the 3d instant, about the hour of 12, being at the house of Nathan Kemper, within about two miles of Pinckneyville, within the limits of the Mississippi territory, the house was surrounded, and the doors thereof forced open, by a party consisting of at least nineteen persons, whereof some were negroes, and some white men in disguise. That among the latter he recognised and personally knew the following persons: Louis Ritchie, Minor Butler, Abraham Horton, James Horton, and two others, whose names he did not recollect, but expected soon to be able to ascertain, all of whom are inhabitants of the Mississippi territory; and Marcus Carr, James Say, Philip Say, and others, residing within the Spanish lines. Of the negroes, whose number amounted to seven, at least, three, whose names are William or Bill, Nat and Moses, and others whose names he did not recollect, he knew to

be the property of the above mentioned Abraham Horton. That the said party, all of whom were well armed, after having forced their way into the house, violently forced him from his bed room, after a struggle of about fifteen minutes, during which he received several violent blows on the head and face ; and after having torn off his shirt and tied him with cords, forced him over the line into the Spanish territory, where they delivered him up, with his two brothers, Nathan and Samuel Kemper, bound in the same manner, to Solomon Alston, who commanded a large party of armed men. That said Alston received them within ten or fifteen feet of the line, on the Spanish side, that from thence they were conveyed to the Bayou of Tunica landing, bound as already mentioned, and nearly naked, where they were put on board a piroque, and there tied all three together, by orders of said Alston. That said piroque was commanded by William Breher, and manned by Charles Stewart, Adam Bingaman, John Ratliff, George Rowe, and John Morris ; that they departed from the Bayou Tunica for Baton Rouge, at day break, where said William Barker had orders to deliver the prisoners up to Governour Grand Pré. That as they passed along the shore of Point Coupee, the prisoners found means to declare their situation to Doctor Powles, who immediately gave information thereof to Lieutenant Wilson, commandant of the garrison at Point Coupee. That Lieutenant Wilson immediately manned his boat, boarded the piroque, and took the prisoners, with those who conducted them, into custody, about the hour of twelve the same day.

(Signed)

REUBEN KEMPER.

Sworn before me, this 5th day of September, 1805.

(Signed)

EBENEZER COOLEY,

Justice of the Peace.

AFFIDAVIT, No. 8.

Territory of Orleans, County of Point Coupee, Sept. 5, 1805.

ON this day appeared before me, Ebenezer Cooley, justice of the peace for the county of Point Coupee, Adam

Bingaman, who being duly sworn, declared, that on the night of the 3d instant, at a very late hour, he was one of a party commanded by a Captain Alston, and stationed within a few yards of the line of demarcation, at the Spanish side, for the purpose, as declared by Captain Alston, of seizing the Kempers, who were expected to come from the American territory. That at the distance of about 50 yards above the line, he saw a party approach, who were hailed by Captain Alston, to whom they delivered three prisoners. The party to which deponent belonged was then ordered by Captain Alston to conduct the prisoners to Bayou Tunica, where the prisoners were put on board a piroque, and ordered off for Baton Rouge, at about day break on the 4th. That as they were passing opposite the post at Point Coupee, their piroque was boarded by Lieutenant Wilson, with a party of his men, who took the prisoners and their conductors into custody.

(Signed)

ADAM BINGAMAN.

Done before me.

(Signed)

EBENEZER COOLEY,

Justice of the Peace.

AFFIDAVIT, No. 9.

Territory of Orleans, County of Point Coupee, Sept. 5, 1805.

ON this day appeared before me, Ebenezer Cooley, justice of the peace for the county of Point Coupee, William Barker, who being duly sworn, declares :

That on the night of the 3d instant, he was one of a party of militia commanded by Captain Alston, which party was stationed for about two hours within a few paces of the line of demarcation on the Spanish side. That they heard a noise which was made at a short distance above the line, and soon after saw a party cross the line, who delivered to Captain Alston three prisoners, whose names were Reuben, Nathan, and Samuel Kemper. Capt. Alston ordered the prisoners to be immediately conducted to the Bayou Tunica, where they were put into a piroque to be conveyed to

Baton Rouge ; that deponent was commanded by Captain Alston to keep a strict watch on them, and to give them no opportunity of escaping until he should deliver them at the fort of Baton Rouge ; that as deponent was passing opposite the garrison of Point Coupee, his piroque was taken by a superiour force commanded by Lieut. Wilson, commandant of the garrison at Point Coupee, who took into custody the prisoners, and the party by whom they were conducted.

(Signed)

WILLIAM BARKER.

Sworn before me this 5th day of September, 1805.

(Signed)

EBENEZER COOLEY,

Justice of the Peace.

AFFIDAVIT, No. 10.

Mississippi Territory, ss.

BE it remembered, that William Flanagan, jun. of Wilkinson county, in said territory, personally appeared before the undersigned, one of the superiour judges for said territory, and being of lawful age, upon his oath deposeth and saith, that Lieut. Glascock and a party of twelve light horse, being part of Captain Jones' company or squadron of Spanish light horse, on the afternoon of the 21st day of August last, came over the line of demarcation to this deponent's house, which is on the Tichfau creek, about two miles above the line, and took him and his wife and carried them about five miles below the line, and kept them under guard all night, and next morning dismissed his wife, who was taken home by her brother, who had been sent after them by her father. That after she was dismissed they carried this deponent fifteen miles further, and told him he must go to jail or give up his horse. He refused to give up his horse till they cocked their guns and pistols all round him, there being eight of them then present, and said he must pay them their expenses, give up his horse, or go to jail. He replied he had rather lose his horse than go to jail. Whereupon they took his horse, bridle and saddle, and dismissed him, and he returned

home on foot. The names of the men who composed said party of eight horse were, John Glascock, lieutenant, Benjamin Le Near, also an officer, Abraham Jones, son of the captain Keenady, William Lee, John Bates, ——— Hale, Obiel Brewer, ——— Conner, and the names of the others he does not recollect; and further says that most of the party were formerly American refugees who fled to the Spanish country, and further saith not.

(Signed) ^{his} WILLIAM X FLANAGAN. _{mark.}

Taken this 7th day of September, 1805, at the town of Washington, in the territory aforesaid, before

(Signed) THOMAS RODNEY.

NOTE.—The within deponent, Thomas Holden, says, that it was reported that *William Flanagan, sen.* had killed a certain John Sharp, as within mentioned, and had fled from the Spanish part of the country, and that his wife, after he had fled, also left the country, and brought their stock and goods above the line, and left them in the care of William Flanagan, jun. who is nephew to William Flanagan sen. and son-in-law to said Thomas Holden, and that this was the only pretext the Spanish light horse had for coming above the line and behaving as they did.

(Signed) THOMAS RODNEY.

AFFIDAVIT, No. 11.

Mississippi Territory, ss.

BE it remembered, that Thomas Holden sen. of the county of Wilkinson in said territory, personally appeared before the undersigned, one of the superiour judges of said territory, and being sworn, deposeth and saith, that he lives in said county, on the Tiehfau, about half a mile above the line of demarcation, upon land which he claims by pre-emption, and now cultivates; that on the afternoon of the twenty-first day of August last, lieutenant John Glascock, and twelve men of the Spanish light horse, part of captain Jones' company or squadron of West Florida, came

over the line of demarcation to this deponent's house, and inquired for William Flanagan, sen. who had lived about seven miles below the line, in the Spanish territory, and, as they said, had killed a certain Joseph Sharp, also a Spanish subject, and said that they were in pursuit of said Flanagan, and inquired of this deponent if he had seen Flanagan, or knew where he was. This deponent replied, that he had not seen him for six months, but heard that Flanagan and his family had gone up to the Bayou Pierre. When said company came up, this deponent was sitting on his fence, about fifty yards from his house, and after what had passed as before related, an officer among them by the name of Le Near, ordered this deponent to go to his own house, saying that he should put him and his family under guard. To which this deponent replied, that he would not be put under guard by him, unless he had authority from the United States or the officers of this territory to do so. Whereupon the officer drew his sword, or dirk, and threatened to run this deponent through in an instant if he did not submit. Then one of the company cocked his pistol, but said nothing. Then Glascock came up with a rifle in his hand, and ordered this deponent to go along instantly, or he would make him. This deponent replied, that he would not go; that they had no business above the line, and ordered them to go below, where they belonged. Le Near replied to this, that his authority was above the line, as well as below. Damn the line, he did not regard it, and other words to that purpose. After this, the party went off, and left this deponent. But before they went off, two of this deponent's sons came up, and he told them what had passed, and ordered them to go to the house and get the guns, and they would kill all the damned Spaniards, for they had no business above the line, and upon saying this the party left him. And he further saith not.

(Signed)

THOMAS HOLDEN, Sen.

Taken this 7th day of September, 1805, at the town of Washington, in said territory, before

(Signed)

THOMAS BROWN.

LETTER, No. 1.

*Governour of the Mississippi Territory to his excellency
Charles de Grand Pré.*

Town of Washington, Mississippi Territory, Sept. 6, 1805.

SIR,

I WAS informed that a number of armed men, subjects of the king of Spain, on the 3d instant, entered this territory, in the neighbourhood of Pinekneyville, and there with force and violence seized three persons by the name of Kemper, abused them in an inhuman manner, tied, and carried them into your territory, and threatened considerable outrages to others in the same neighbourhood. This conduct, sir, does not comport with that good understanding and friendly disposition, supposed to exist between our governments. Neither is such conduct to be tolerated by a government which is influenced in all its relations with others by a regard to justice and national faith, especially one so ample in resources to do justice to itself and to command respect from others, as the United States.

This letter, sir, is despatched to you by a special messenger, in order that your excellency may be speedily advised of this unaccountable transaction, and provide against similar outrages and their consequences ; as also to afford me some explanation of the one which has given rise to this letter.

I am, with great respect, &c.

(Signed) R. WILLIAMS.

His excellency Charles de Grand Pré.

LETTER, No. 2.

Lieutenant Wilson to Governour Williams.

Point Coupee, Sept. 5, 1805.

SIR,

I CONCEIVE it to be my duty to give you a statement respecting the rescue of the Kempers from a party of Spanish subjects. Information was given to me that Kemper, and several Americans were taken by force of arms from their residence at Pinekneyville, by a party of Spanish subjects,

and were on their way to Baton Rouge. I immediately manned the boat, and took the Kempers, Reuben, Nathan, and Samuel, together with the guard, prisoners, who I have in confinement, and shall keep them so, until I receive orders from the proper authority for their release. I have had taken the depositions of the Kempers, and two of their guard, which I enclose you. My force is weak, and I expect an attack from the other side of the river. I shall, however, give them as hearty reception as the situation of my force will admit of. As governour Claiborne is, I presume, with you, I hope you will consult with him, and let me know, as speedily as possible, what is to be done. I have wrote captain Sparks, at Fort Adams, to send me a reinforcement, as I think the good of the service really requires it. I have the honour, &c.

(Signed)

WILLIAM WILSON,

Lieutenant commandant.

LETTER, No. 3.

Capt. Sparks to the governour of the Mississippi territory.

Fort Adams, Sept. 7, 1805.

SIR,

I HAVE the honour to forward you despatches from captain Wilson, at Point Coupee. If it should be your wish to have the party therein referred to, taken to this place, to be delivered over to the civil authority, the command of one subaltern and twenty-five men I have sent from this post to reinforce captain Wilson, will be instructed to execute it. I am, &c.

(Signed)

R. SPARKS.

Captain commandant.

*His excellency Robert Williams, Esq. governour
of the Mississippi territory.*

LETTER, No. 4.

*The governour of the Mississippi territory to lieutenant
Wilson, commandant at Point Coupee.*

Washington, M. T. Sept. 9, 1805.

SIR,

I this moment received your despatch, dated the 5th instant, informing me of your having taken and confined a

Spanish party which had, on the night of the 3d instant, forcibly taken from this territory, the three Kempers, whom the party had in their possession when you took them. Your conduct, sir, on this occasion, merits approbation so far as I am informed of it.

I request that you will, with all possible despatch, have conveyed to this territory the whole of the offending party, to be delivered over to the civil authority; also the Kempers. I request you will deliver them at Fort Adams, where further orders will remain. Captain Sparks has informed me, the reinforcement, he sent you, will act also as a guard for the above purpose.

I enclose for your information the copy of an order, which I have this day issued in consequence of these outrages, and others committed on the line eastwardly from Pinckneyville.

I am, &c.

(Signed) ROBERT WILLIAMS.

LETTER, No. 5.

The Governour of the Mississippi territory to captain Sparks, commanding at Fort Adams.

Natchez, Sept. 9, 1805.—10 o'clock at night.

SIR,

As I was starting from Washington to this place, I received your letter of the 7th instant, with a despatch from captain Wilson.

My answer to captain Wilson I have sent open for your perusal, which I pray you to forward immediately.

I request that you will retain and safely keep under military authority the party that may be sent to you, agreeably to my directions to captain Wilson, until they are received by the civil authority. Accept my hearty approbation of your and captain Wilson's attention on this occasion.

I am, &c.

(Signed)

ROBERT WILLIAMS.

*Captain Richard Sparks, commanding
at Fort Adams.*

LETTER, No. 6.

The Governour of the Mississippi territory's orders to Col. Ellis of the 5th regiment of the militia of said territory.

Head Quarters, Washington, M. T. Sept. 9, 1805.

SIR,

You will on the receipt of this order immediately assemble from your regiment the following detachment for duty, viz. Two captains, two lieutenants, two ensigns, eight sergeants, eight corporals, two drummers or buglehornmen, and eighty two privates to compose two equal companies. They are to be well armed, and supplied with twelve rounds of ammunition per man. Not having the state of your regiment by actual return, it must rest with yourself from which battalion you are to detach them. This detachment is to act as a patrol near and along the line of demarcation, to prevent or check irregularities of every kind. They are to rendezvous at Pinckneyville, from whence they will be detached to their different posts. As soon as they are assembled, a return of them will be made, naming the commissioned officers, and reporting the strength, and the state of arms, &c. &c. and forward to the inspector at this place, when you will receive further orders. In the mean time the detachments will be active as patrols, examining all equivocal characters passing the line from below, and especially if by night, stopping and securing any armed parties, improperly passing the line as in some late instances : and in short affording all proper protection in their power to the citizens of the United States and their property. The better to effect this, one captain and his command will be detached to the eastern part of the line to be guarded, and take post on or near the Tichfau, from whence the communication must be kept up to meet the patrol detached from post near the west end of the line.

Every occurrence worthy of note can and must be communicated in this way to the senior captain, whose post will be in or near Pinckneyville ; and who will report either direct to head quarters or to the inspector's office. Should

any hostile attempt be made, either on the citizens, their property, or the detachment on duty, force must be repelled with force. (Signed) R. WILLIAMS.

*John Ellis, Esq. lieut. col. commanding
the 5th regiment of militia.*

*Extract of a letter from Robert Williams, Esq. governour of
the Mississippi territory, to the secretary of state, dated*

Mississippi Ter. Washington, Oct. 1, 1805.

By my communication of the 14th ult. you were informed of some outrages committed within this territory, near the Spanish line, and of the steps I had taken in relation thereto.

I now have the honour to enclose for your further information, governour Grand Pré's letter in answer to mine of the 6th ult. and my reply to him marked and numbered 1 and 2, also the documents marked 1, 2 and 3, which will inform you of the further steps taken in this affair.

The military patrole, which I ordered out on the line, were organized and disbanded, on holding themselves in readiness, and places appointed to rendezvous, under a standing order to the officers commanding, to check any disorders that might appear.

I have the satisfaction to inform you, that things in that quarter have become very quiet and settled, which I believe would not have been the case but for the measures which were pursued.

Some of our citizens were concerned in this business, and are bound over to court for prosecution.

ENCLOSURES ACCOMPANYING THE ABOVE.

Governour Grand Pré, to Governour Williams.

MY DEAR SIR,

I have received your letter dated the sixth instant relative to the extraordinary event that happened at Pinkneyville on the third instant, viz. the assault on the three brothers, Kempers, by persons unknown, and disguised, it is said, in black, who conducted them on that part of the

territory which it has pleased his majesty to commit to my charge. The occurrence is singular, and of which I had no information till the night between the seventh and eighth by one of the commanders of the patroles, who, since the inroads committed by that turbulent banditti headed by the Kempers, have been stationed near the frontiers and within the interior settlement of Feliciana; the first gave me information under date of the 5th, that by night he met with a party of men disguised and armed who were conducting three others, whom they immediately abandoned, and retired with precipitation the same way which they appeared to have come, without uttering a single word; his first care was to secure the persons of the three men, whom he found to be the Kempers, and immediately had them conducted to Bayou Tonica, there to be embarked under an escort and delivered at my disposal; he added that on the way the escort was stopped by actual force on the river very near the eastern shore by captain Wilson, military commandant at Point Coupee, where it is said the escort is detained and also the Kempers. The commander of the patrole also declares that it was impossible for him to know any one of the persons who brought and abandoned the said Kempers, owing to the obscurity of the night, their disguise and their very prompt departure.

This is all the information I have as yet, but have despatched an express to procure a more ample knowledge respecting this strange and mysterious violation.

It is not necessary, I flatter myself, that I should express what pains our government has taken, and how unceasingly scrupulous it has been to maintain and constantly to preserve with that of the United States that good understanding and harmony, which it ought to be impossible for a few intriguing perfidious adventurers, thirsting after revenge for private animosities, to interrupt. Of this I hope your excellency is fully convinced, and upon this principle you will approve the efficacious measures I am about to take for the extirpation of this disorder, which has risen to its full height on the territory of this government, disorder,

confusion, violations, outrages, plunder, insult to the magistrate, dragging him by a rope round his neck, attempts on the flag of the king my master, and now the violation committed with the Kempers (authors of all the abovementioned) on the government of your excellency.

After this explicit narrative, I hope your excellency will make the necessary dispositions for the return of the inhabitants who were escorting the three prisoners, as they are absolute strangers to all the circumstances of this business. I claim them from your excellency's justice, considering their detention as illegal, as also that of the prisoners they were conducting, these having been taken within this territory, where a most singular event had brought them, and I cannot imagine what could have been the design of the authors of this plot; saving, however, for a subsequent determination respecting the legality of a capture made under such singular circumstances.

I have the honour to be,

(Signed) CHARLES DE GRAND PRÉ.

Baton Rouge, September 9, 1805.

Most excellent Robt. Williams.

Governour Williams to Governour Grand Pré, in answer.

Washington, September 30, 1805.

SIR,

YOUR letter of the 9th inst. in answer to mine of the 6th, I received some days ago; but the equivocal manner, with which you treated the subject of my letter, afforded little or no information, and rendered it expedient to delay an answer until I should obtain such information relative thereto, as would enable me to treat the subject with that candour which our respective situations require, and the interest and honour of our governments demand.

Previous to the receipt of your letter, I understood that the three Kempers were retaken by lieutenant Wilson near Point Coupee, where they, together with the Spanish guard, were detained. I gave orders for the removal of them and their escort to Fort Adams within this territory; they have all been delivered over to the civil authority for

examination as to their supposed offences committed within this territory, or that might be cognizable by the civil authority thereof; and I now have the honour to inform you that the outrages which were the subject of my letter to you of the 6th inst. appear to have been committed by citizens of the United States in combination with subjects of Spain residing within the jurisdiction of our respective governments, all of whom are liable to be punished under the authority and laws of the United States and of this territory. It also appears that the six persons subjects of Spain, composing the escort, to wit, William Barker, Charles Stewart, John Morris, John Ratcliff, George Row and Adam Bingaman, were accessaries and confederates with the offending party, and might have been legally treated as such by this government; but being desirous to keep alive and promote that harmony and good understanding between the government of the United States and that of his Catholic Majesty, and also because, from the sceptical style of your letter, it is not clear whether the act was authorized, I have caused those six men, composing the escort, to be liberated and safely conducted to the territory possessed by his Catholic Majesty. The Kempers, of whom your excellency complains as having been the original authors of these outrages, I have caused to be bound to their good behaviour, and to keep the peace towards your government, its subjects, &c.

It is also proper I should inform your excellency, that in a few days after the date of my letter of the 6th instant to you, I received information that some days before, a party of twelve men, armed, commanded by lieutenant Glascock, part of captain Jone's company of Spanish light horse, entered this territory in the neighbourhood of Tichfau creek, and there threatened considerable abuse of some of the inhabitants; seized and carried by force from their house of dwelling, a man by the name of William Flanagan, jun. and his wife, into the territory possessed by his Catholic Majesty, whom they detained a considerable time, and on their releasement took and kept a horse, bridle and saddle,

belonging to the said Flanagan, and which I am informed have been since sold under the orders of an officer of your government. I request your excellency will inquire into this affair, and give me an answer as soon as convenient.

I trust the lenient measures, which I have caused to be pursued upon this occasion, will be duly appreciated and attributed to the proper motives; and that your excellency will unite with me in adopting such measures as will prevent similar occurrences in future.

Your excellency demands of me the three Kempers as your prisoners, taken as you say, "within this jurisdiction, where the most singular event had brought them." Permit me, sir, without criticising on the merits of this demand, (which it is so susceptible of) to barely suggest, as a reason for my non-compliance, the consequences which would necessarily flow from a compliance with demands made under such circumstances, and founded on transactions of this kind.

I have the honour to be, &c.

ROBERT WILLIAMS.

His excellency Charles De Grand Pré.

WASHINGTON, SEPT. 23, 1805.

SIR,

I HAVE received your letter of the 20th instant, informing me of the arrival of the prisoners from Point Coupee, at fort Adams.

I request that they may all be delivered over to Judge Rodney, or some justice of the peace, to be examined as to any offences they may have committed within the limits of this territory, or that may be cognizable by the civil authority thereof.

The Spanish subjects, to the number of six, as I am informed, should they be discharged by the civil authority, I request that you will cause them to be escorted, by a sufficient guard, to the line dividing this territory from that possessed by his Catholic Majesty, there liberated and suffered to pass into his jurisdiction.

As to the Kempers, I presume they will be dealt with as

the law will authorize; and my hope is, that they may be bound to their good behaviour, and to keep the peace as well towards the citizens of the United States as the subjects of his Catholic Majesty.

Accept my best respects, &c.

(Signed)

R. WILLIAMS.

Capt. RICHARD SPARKS,
Military Comdt. at Fort Adams.

WASHINGTON, SEPT. 23, 1805.

SIR,

FINDING you had left this, when I returned from Natchez, Mr. Shields follows with my orders to captain Sparks, commanding at the fort. Enclosed is a copy of my letter to him, indicative of the wish of the executive of this territory on the occasion, which I trust will be compatible with the civil authority. I am, &c.

(Signed)

ROBERT WILLIAMS.

Judge RODNEY.

TOWN OF WASHINGTON, SEPT. 30, 1805.

DEAR SIR,

ON the 25th or 26th of this inst. I made examination into the truth of the outrage committed in this territory at and near Pinckneyville, on the night of the 3d of this inst. on the persons of Reuben, Nathan, and Samuel Kemper. This outrage appears to have been committed by a combination of persons, some residing above and some below the line of demarcation. Among them was a Doctor Bonner, a Henry Flower, son of Dr. Flower, and a Mr. M'Dermot, who were active above the line, and are said to reside below. The party, composed of twelve white men and seven negroes, first assaulted and broke the house of Nathan Kemper, and seized and tied him and his brother Reuben; then a part of them went to the house of Samuel Kemper, broke into his room and took and tied him, and the two parties met again near the line; and went in company on the high road till they got a few feet below the line, where

Captain Alston, with a party of twelve men, lay in wait, and marched out of the bushes and took possession of the Kempers, at the instant all the other party dispersed and run off. Alston and his party then conducted the Kempers down to Bayou Tunica landing, and put them on board of a boat, and ordered six of his men, to wit, William Barker, Charles Stewart, John Morris, John Ratcliff, George Rowe, and Adam Bingaman, to take them down to Baton Rouge; on their way down, when they got opposite the American garrison at Point Coupee, the boat was taken by Captain Wilson, the Kempers released, and the Spanish subjects made prisoners. It appearing on examination of the Kempers, that the six persons last mentioned had not acted above the line, they were liberated, as will appear by a document I enclose. None of the Spanish subjects that were active in the outrage above the line, were taken into custody; but if they had been in custody, they would have been detained for trial. And indeed it was so evident that the party below the line were acting confederate with those above, had they not been the subjects of a government in amity with us, the six persons discharged might have been legally detained, until due satisfaction was made. I was careful, however, to avoid any thing that would in the least tend to violate the amity of the two nations, and therefore thought proper to liberate them—though I think our military officers fully justified in detaining them till legally discharged. I am, respectfully, &c.

(Signed)

THOMAS RODNEY.

P. S. Justice Baker was also directed to require bail of Reuben, Nathan, and Samuel Kemper respectively, to keep the peace, especially towards the subjects of the king of Spain, and to do no injury to any one below the line of demarcation.

T. R.

CAMPTE, in the district of Natchitoches, Sept. 14, 1805.

PERSONALLY appeared before me, John Sibley, one of the magistrates for the county of Natchitoches, Mary Pu-

legie Grappe Fontineau, aged 46, who being duly cautioned and sworn, deposeth and saith, That she believes she was born at the ancient Caddo village, where was an establishment of French inhabitants and some soldiers, and that she perfectly recollects descending the river with her father; she was then about six years of age; and that her mother remained behind to collect some debts, and came down about six weeks after, and that she had always understood her family had lived there for a considerable number of years, and that there were a number of French families had lived there for many years.

(Signed)

FONTINEAU.

Sept. 14, 1805, sworn before me.

(Signed)

JOHN SIBLEY, J. P.

I, John Horn, being duly sworn as interpreter, declare that the above declaration of Mary Pulegie Grappe Fontineau, is truly interpreted as above written.

(Signed)

JOHN HORN.

NATCHITOCHES, SEPT. 15, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the county of Natchitoches, Julian Beson, an inhabitant of Campte, in said county, aged 57, who, being duly sworn, deposeth and saith, That he well recollects being carried from Natchitoches by his father to the ancient Caddo village, commonly called by the course of the river about one hundred and seventy leagues above Natchitoches, on Red river, and that at that time there were there living several French families and some soldiers, the number of soldiers he does not remember, but only that it was a serjeant's command (which serjeant was then his father) and that his father, by order of the then French governour general of Louisiana, built a small fort at that place, erected a flag staff, on which the French flag occasionally used to be hoisted, the name of the fort was called fort *St. Louis de Carloretto*, and that, from the appearance of the place, and every thing he heard and understoode

about it, the establishment had been made for a considerable number of years before he went there, which is more than fifty years ago, and that he lived there fourteen or fifteen years, during all which time there were continued a detachment of French soldiers there, with a number of French families, who continued to cultivate corn, tobacco, and garden vegetables; and that he recollects two small pieces of cannon being there, and one of them bursting by firing, and he believes the other slipped into the river by an excavation of its bank, as it lay near the edge of the bank, and that he recollects there being some mill stones there, but has no remembrance of seeing them in use. And at the same time he lived at the above mentioned place, some French families were settled at the Yattasse point, so called, being a part of what is now called Bayou Pierre settlement, and that the same place has continued to be occupied by French families ever since, and which is now under the jurisdiction of the Spanish government in the province of Texas: and that said Yattasse point used to be a place of great deposit by Indian traders, before Louisiana was ceded to Spain; and farther, that he has knowledge that some French hunters, while Louisiana belonged to France, planted several crops of corn more than 50 leagues above the ancient Caddo village, on Red river, at or near the mouth of Boggy river (or the Vassures as it is called) and that the settlement at the old Caddo village was abandoned about thirty-eight years ago, and that he believes the cause of their removal was having large families of children growing up, and after the cession of Louisiana to Spain the settlement did not appear to augment, and the inhabitants were desirous their families of children should have the benefits of a better society, but that the country is exceedingly pleasant and fertile, and is capable of becoming a rich and populous settlement, and farther the deponent saith not. (Signed) JULIAN BESON.

Sworn to before me at Natchitoches, Sept. 16, 1805.

(Signed) JOHN SIBLEY,
Justice Peace.

I, the subscriber, being duly sworn as an interpreter of the French language, do hereby certify that the above or foregoing deposition of Julian Beson is truly interpreted.

(Signed)

JOHN HORN.

NATCHITOCHES, SEPT. 16, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace in said county, Louis Lamalaty, of Campte, in said county, Esq. who being duly sworn, deposeth and saith, that he is now sixty-six years of age, and that he was born at the place now called Natchitoches: although he never was at the place where the ancient Caddo village was, he was in the constant habit of seeing the French inhabitants and the soldiers who were then living and stationed there, and has no more doubt of the fact than though he had seen it: he saw Mr. Grappe and his family when they returned from there. And further, that he has knowledge of the ancient French establishment at the Yattasse point in the vicinity of Bayou Pierre, and that three French families lived there before Louisiana was ceded to Spain, and that Mr. Verge lived there for a number of years; and that said place was usually a place of deposit for the Indian traders, &c. And farther, that he has knowledge of Mr. Bourne, formerly commandant of Natchitoches, having had a trading house established on the south-west side of the Sabine river, and distant from the river about six leagues, and from Natchitoches about 50 leagues, and about north-west from it; which establishment was antecedent to the Spanish government's taking place in Louisiana: and that the same place was occupied by sundry persons afterwards, as well before as after the change of government. And that he has been informed that the mill-stones that were at the old French establishment at the Caddos, being brought down. And that, according to the best of his recollection, it is now about 38 years since

the said settlement was abandoned ; and further the deponent saith not.

(Signed)

LOUIS LAMALATY.

Sworn to, the 16th September, 1805, before me,

(Signed)

JOHN SIBLEY,
Justice of the Peace.

I, the subscriber, being duly sworn as the interpreter of the French language, do hereby certify that the foregoing declaration of Louis Lamalaty, Esq. is truly interpreted and translated.

(Signed)

JOHN HORN.

NATCHITOCHES, SEPT. 16, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the said county of Natchitoches, Mary Louisa Brevell, widow of Antoine Grillette, deceased, who being duly sworn, deposeth and saith, that after she married Mr. Grillette, she went with him to the ancient Caddo village, where she remained about eighteen months. At that time there were a few French inhabitants who were settled and lived there, and a French commandant who was Mr. Grappe, and, as near as she recollects, four soldiers ; that the French inhabitants cultivated every thing that was common for the French inhabitants to cultivate in other parts of Louisiana, and that she does not recollect the exact number of years that has elapsed since she was there, but believes it was at least ten years before the government of Spain took place in Louisiana, and that she always understood, by her parents, she was there when a child, but she was too young to have remembrance of it. And further the deponent saith not.

(Signed)

MARY LOUISA ^{her} ~~mark~~ BREVELL.

mark.

Sworn to before me, at Natchitoches, aforesaid, the day and year aforesaid.

(Signed)

JOHN SIBLEY,
Justice of the Peace:

I, the subscriber, being duly sworn as interpreter of the French language, do hereby certify that the above deposition of Mary Louisa Brevell is truly interpreted.

(Signed)

I. HORN.

NATCHITOCHES, SEPT. 16, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the county of Natchitoches, John Baptiste Grappe, an inhabitant of Campte, in said county, and likewise one of the justices of the peace for the same, aged forty-two years, who being duly sworn, deposeth and saith, that thirty-five or thirty-six years ago, he went with his father from Natchitoches to the ancient Caddo village, where he remained about four months ; at that time there were no families or soldiers living there, but the houses of the French families who had lived there but a few years before, together with the fort and the flag staff and the barracks, or houses occupied by the soldiers, were all standing entire, and that his father told him which of the fields and houses his family had occupied for a number of years ; and likewise he remembers to have seen in the fort the ambusiers and platform where the cannon were placed. And that he recollects his father used to call the distance from Natchitoches to said place by water about the same as from Natchitoches to New Orleans, (viz.) about one hundred and seventy leagues. And further, that he well recollects some French families, particularly a Mr. Verge and a Mr. de Coto, living at the Yattasse point, so called, and that he always understood they had lived there for many years before Louisiana was ceded to Spain, and that the same place has always continued to be occupied by some French inhabitants, and is situate on the western division of Red river, about twenty-five leagues above Natchitoches, and is now part of what is called the Bayou Pierre settlement, under the jurisdiction of the Spanish government in the province of Texas. And that he has been several times at a place, called the Dout, on the east bank of the Sabine river, at a prairie, and towards the

head of said river, where there was an appearance of some works having been erected by the French as a trading establishment, and where his father, and many Indians, had told him the French flag had been hoisted, and the arms of the king of France buried. And farther the deponent saith not. (Signed) BTE. GRAPPE.

Sworn before me at Natchitoches, the 16th day of September, 1805. (Signed) JOHN SIBLEY,
Justice Peace.

I, the subscriber, being duly sworn as an interpreter of the French language, do hereby certify that the foregoing deposition of John Baptiste Grappe, Esq. is truly interpreted and translated. (Signed) J. HORN.

NATCHITOCHES, SEPT. 22, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the county of Natchitoches, Francis Grappe, of Campte, in said county, aged fifty-seven, who being duly sworn, deposeth and saith, That to the best of his knowledge and belief, he was born near the ancient Caddo village on the Red river, which, by the course of the river, he believes to be upwards of five hundred miles above Natchitoches, where his parents then lived, and had lived, he believes, a number of years before he was born, and where they continued to live until he was sixteen or seventeen years of age. As long ago as he can remember he recollects a Mr. Francois Hervey, a French gentleman, who lived there, and who he understood was the first white man that settled there, and that his father settled there about two years after, but he always understood there had been a company of French traders settled for a number of years about forty miles higher up the river, and that Mr. Hervey was one of them, but they were broke up before he was born; it was always called the Company, and that during the whole time he lived at the ancient Caddo village there were three settled families, besides a number of single persons and a detachment of soldiers, and that the number of soldiers assigned by the French government for

that post was always fifteen, but he never knew the number complete, and that his father was commandant of the place for many years, and was succeeded by a Mr. Closo, who continued to be commandant till it was abandoned after the cession of Louisiana to Spain, and that his father, by order of the then governour of Louisiana, built a small fort there, in which were two small pieces of cannon, and in which was a flag staff, on which the French flag was occasionally hoisted. He believes the whole time that that place was occupied by the French as a military post and a settlement of families, was about thirty years, and that the inhabitants pursued the same agriculture that was then common in other parts of the French settlement of Louisiana, viz. corn, tobacco, indigo, cotton and garden vegetables, with some wheat, which grew well, but having no way of manufacturing flour, there was but little wheat raised, though there were a pair of excellent European mill stones and mill irons there, but were not in use in his time; the stones he himself brought down in the year 1778, and they were carried to Oppelousas; he understood they had been carried to the Caddo country by the Company, as it was called; and that he has knowledge of a French trading establishment being at the place called the Dout, on the Sabine river, near where the Mandaco Indians now live, and that it was an ancient establishment, and a place of great trade and resort at the time his father's family lived at the Caddos, and that he has several times been at the place; the French flag used to be hoisted there; and there are the remains of the buildings and works now to be seen; and that the Dout is about 150 miles north west from Natchitoches; and that there was at the same time a similar trading establishment and a number of settled French families at the Yattasse Point, on the south west division of Red river, about twenty-five leagues above Natchitoches, on what is now called the Bayou Pierre settlement, which is now under the jurisdiction of Spain, and which place is now, and ever has continued to be, occupied by French inhabitants, and that some of whom have ancient French

grants or titles for their lands, and that Mr. Verge, who lived there for many years, before Louisiana was ceded to Spain, had the exclusive Indian trade granted him by the French governour of Louisiana of the Troiscannes, or, Tauacanos, the Keyekies, Yattasses, and several other tribes that then lived on the river Sabine, and southward and westward of it, in what is now called the province of Taxus. (Signed) FRANCOIS GRAPPE.

Sworn to before me the 30th September, 1805.

(Signed) JOHN SIBLEY, J. P.

The subscriber, being duly sworn interpreter of the French language, doth hereby certify, that the foregoing declaration of Francois Grappe is truly interpreted and translated. (Signed) JOHN HORN.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

THE enclosed documents, relating to my message of the 6th instant, not being ready at that date, I thought it better not to detain the message, but to communicate these papers afterwards as supplementary to those then sent. They are not of a nature to be deemed confidential.

TH: JEFFERSON.

December 10, 1805.

DOCUMENTS, &c.

[COPY.]

NATCHITOCHES, OCT. 2, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the county of Natchitoches, Gaspard Bodin, Lewis Bodin and Andrew Chamar, all of Natchitoches aforesaid, who being duly sworn, deposed

and said, that, on the eighth day of September last, they (the deponents) were all travelling in company from Natchitoches to Oppelousa, on the usual road; and that, when within fourteen or fifteen miles of the Oppelousa church, they were met by five armed Spanish soldiers on horseback, who drew their arms upon them and ordered them to stop: one of the deponents (Madam Bodin) who speaks Spanish well, asked the one who appeared to be the commander of the party, what business he had to order them to stop, that they were all Americans, and that was American ground. The commander of the Spanish party replied, that he had a right to command there, and would do as he pleased; and that he must have such a horse for the use of the king, (pointing to Mr. Chamar's best horse) which he immediately took possession of, and took away with them, proceeding on the Nacogdoches road. And the deponent, Chamar, has never seen or heard of his horse since.

(Signed)

GASPARD BODIN,
LEWIS BODIN,
ANDREW CHAMAR.

Sworn to before me, the day above written.

(Signed)

JOHN SIBLEY,

J. Peace.

A true copy of the original deposition.

(Signed)

JOHN SIBLEY.

NATCHITOCHES, OCT. 3, 1805.

PERSONALLY appeared before me, John Sibley, one of the justices of the peace for the county of Natchitoches, Francis Roban of said Natchitoches, aged twenty-one years, who, being duly sworn, deposeth and saith, that about the tenth of September last, himself, being in the employ of Messrs. Oliver and Case of Natchitoches, was, with Joseph Lucas, conducting from the Caddo nation to Natchitoches eighteen horses, packed with about eleven hundred deer skins; and, in the Bayou Pierre settlement, they stopped for the night at the plantation of a Mr. Pisot. Next morning the deponent had occasion to go to the house of

Mr. de Soto, about half a league distant, who is a syndick, and at whose house the detachment of Spanish soldiers or guard is stationed. Soon after his arrival at de Soto's house, a corporal of the guard called him into a small apartment in de Soto's house, under pretence of speaking to him. As soon as he entered the room, the corporal told him he was a prisoner, and placed a sentinel at the door; then told him they wanted to take Oliver and Case, or either of them, and that if they did not find them, he, the deponent, should pay for it. They kept him confined in the room from about eight in the morning till one, afternoon. They then removed the deponent on his own horse, with one armed soldier before him and another behind, and ordered him to show Oliver and Case. He conducted them in that manner about eight miles, where he understood Mr. Case had been to Mr. Doley's. Arriving there, and not finding him, the deponent was left at Mr. Doley's, under a guard, and the corporal went to some houses near by, in the neighbourhood, to search for him, but could not find him; after which they sat off in the same order in which they came, to return back to de Soto's. On the way they discovered a fresh trail of horses crossing the road, and leading from Mr. Pisot's plantation towards the plantation of Mr. Roban, which they concluded to be the trail of Lucas with the packs, &c. The deponent then attempted to escape from them, but was overtaken and tied with his hands behind him, with a coarse hair rope; they then put him on his horse, one of the Spaniards leading his horse by a rope, and another following behind and holding the other end of the hair rope with which the deponent's hands were tied. It was at this time, towards eight o'clock in the evening, the moon shone bright; they followed the trail leading towards the plantation about two miles and a half, and found all the horses grazing. The Spaniards went immediately to gathering them up, and took possession of them all; drove them into a pen belonging to the plantation, and placed a guard over them; after which they untied the deponent, drove him into the pen

with the horses, and kept him under guard amongst the horses the remainder of the night. After the horses and the deponent were thus penned up together, the corporal armed himself with a pair of pistols, and, with a rope under his coat, sat off for Lucas's camp, the light of which was in sight, saying he would go and tie Lucas. He was gone about a quarter of an hour, when he came running back, much out of breath, and exclaimed, "Blast the Indian, he wanted to shoot me with his arrow!" Soon after the Indian came up; the corporal took his gun and presented at the Indian, who replied, "You had best be easy, for I am not a child; you may thank me that you are here now." The corporal then spoke to the Indian, told him he was sorry for what he had done; it was in a passion; shook hands with him, &c.

The Indian, who was an Yattasse, then told the deponent to tell the corporal that he (the Spaniard) had wanted to take Lucas, but if he had taken him, he should not have tied him or taken him off. The Indian afterwards related to him, the deponent, how the corporal came to the fire where Lucas and himself were encamped. Lucas saw him coming and rose up; the corporal called to him and told him he wanted to speak to him; Lucas saw him armed, and discovered the rope he had, and retreated a few steps from the fire; the corporal told him to stop, or he would shoot him; and Lucas told him he would not stop, and ran off. The Indian at the same moment drew his bow to shoot the corporal, who likewise ran and hid himself in the cornfield. The deponent farther saith, that while he was imprisoned in the horsepen with the horses, the Indian came into the pen to him, and staid with him the remainder of the night. Some time in the night he proposed to the deponent to assist him, and they would tie the two Spaniards and take off the horses; but if he was afraid to attempt that, he, the Indian, would kill them both if the deponent would consent to it.

The deponent farther says, that the next morning the Spaniards sat off, with him and all the horses, for De Soto's

house, and as they were going by Mr. Pisot's house, on their way, he requested leave to go in to get a drink of water, and made his escape out of the back door, hid himself in a cotton field, from thence into a thicket, where he remained hid till night, leaving horse, saddle and bridle at Mr. Pisot's gate, which two Spaniards took off.

In the evening he came into Mr. Pisot's house; Mr. Pisot gave him some victuals and advised him to make the best of his way for Natchitoches, for the Spaniards were determined to catch him, and had given him positive instructions to take him if he could, bind him and bring him to the guard; and that they had started off all the horses for Nacogdoches. The deponent set off immediately and travelled all night, avoiding as much as he could the main road, understanding that there were Spaniards posted on the road to way lay him. About an hour before day light he arrived at Mr. Doley's, and found the Spaniards had arrived there, with all the horses, before him, and a sentinel guarding them, his own horse among the rest. Further the deponent saith not.

(Signed)

his
FRANCIS ~~X~~ ROBAN.
mark

Sworn before me. (Signed) JOHN SIBLEY.

Extract of a Letter from Governour William C. C. Claiborne, to the secretary of war, dated New Orleans, March 15, 1805.

SIR,

“ IN consequence of a letter I received from Mr. Joseph Chambers, the United States factor at fort St. Stephens, informing me that he had a quantity of peltry, &c. ready for exportation, and desiring that I would make arrangements with the Spanish authorities to secure to articles to and from the factory a passage, free from interruption or duties, I addressed to the governour of West Florida (who is now in this city) a letter, of which the enclosed, No. 1, is a copy, and on this day I received an answer, of which No. 2 is a copy. From these documents you will discover that the interest of the factory is, in a measure, subjected to the caprice of a Spanish officer.”

Copy of a Letter from Governour Claiborne to Governour Folch, dated New Orleans, March 7, 1805.

SIR,

The president of the United States, with a view to preserve a good understanding with the Chactaw Indians, has established a factory, or tradinghouse, at fort St. Stephens, on the Tombigbee. The goods transmitted to this factory and the peltry, &c. exported therefrom, are the property of the United States, and I persuade myself that on their passage by the way of Mobile, no duties will be exacted, or interruption offered by the authorities of Spain.

I beg leave to remind your excellency, that, by a treaty between the United States and his Catholic Majesty, they are mutually bound to restrain the Indians within their respective limits from committing hostilities against the adjacent settlements of either power. The prosperity, therefore, of the factory at fort St. Stephens, is interesting to both our nations, since the influence which the American government may acquire in the Chactaw councils will be used not only to secure peace and safety to our own frontiers, but to the dominions of his Catholic Majesty.

Accept assurances of my great respect, and high consideration.

(Signed)

WILLIAM C. C. CLAIBORNE.

His excellency Gov. Folch.

Copy of a Letter from Governour Folch to Governour Claiborne, dated New Orleans, March 15, 1805.

SIR,

IN order to answer your letter of the 7th instant, with due propriety, and according to the spirit of the royal orders prevailing on the subject, I consulted the intendant, Mr. John D. Moralis, who has given me his opinion in the following terms :

“ My opinion, sir, respecting the particulars related in governour Claiborne’s letter to you, is, that we cannot deviate from the order given to us by his Catholic Majesty, which I have transcribed to you in my last of 8th instant.

For the same reason, when his excellency general Wilkinson requested to allow the pass of two American vessels, one in the spring, the other in the fall, which I did not grant, and his Majesty approved my conduct, and caused the treaty to be carried into execution."

These circumstances will convince your excellency, that it is not in my power to comply with your request: however, I will represent the case to the king, and inform you of the result as soon as possible.

Accept assurances of my respect and consideration.

(Signed)

V. FOLCH.

His excellency Gov. CLAIBORNE.

Extract of a Letter from Joseph Chambers, United States factor, to the Secretary of War, dated

"Chactaw Trading House, April 11, 1805.

"IT may not be improper in me to state, that it will be impossible to continue the trading house on the river Tombigbee, and to afford to the Indians that friendly accommodation intended by the government, without incurring certain loss, unless we are speedily freed from the heavy exaction of twelve per centum, demanded by the Spanish officers at Mobile, on all exports that pass this post, and the same on imports, making together nearly one fourth, per centum."

Extract of a Letter from Governour Claiborne to the Secretary of War, dated New Orleans, April 20, 1805.

"IN conformity with my advice, Joseph Chambers, United States factor for the Chactaw nation, has shipped a quantity of peltry for Philadelphia, (via New Orleans.) On the passage of the peltry down the Mobile river, a duty was demanded by the Spanish officers at the town of Mobile, and which Mr. Chambers paid, not, however, without entering a protest against the proceeding, a copy of which I now enclose you.

"Some provisions, sent by the contractor from this city to Fort Stoddart, were also detained at Mobile until a duty

of twelve per cent. was paid thereon; duties are also exacted on all exports passing down the Mobile, and paid very reluctantly by our citizens.

“ The Spaniards are fortifying Pensacola and the town of Mobile; at the former place there is to be stationed five or six hundred men, and at the latter a battalion of artillery and one company of dragoons are now employed.”

Copy of the Protest of Joseph Chambers, United States factor.

WHEREAS, by the order of the proper officers of the government of the United States of America, sixty bales, three hogsheads, and one barrel of peltries and furs, the property of said government, collected at the governmental trading house established by authority for the friendly accommodation of the Chactaw nation of Indians, was directed to be transported from said trading house, in the county of Washington, Mississippi territory, by descending the Tombigbee or Mobile river, and from thence to the city of Philadelphia, in the Atlantic part of the United States (via New Orleans). The said cargo of peltries and furs being on its passage as aforesaid, at the mouth of said river, at the post of Mobile, the officers of his most Catholic Majesty the king of Spain, did at that post demand a duty of twelve per centum upon *their* estimated value of said cargo, to be paid for the use of his Majesty, and it was then made known and properly certified to the said officers, that the said peltries and furs were the property of the government of the United States, and was there on its passage from one part thereof to another; notwithstanding which, the said officers did, on the thirteenth April, one thousand eight hundred and five, detain and stop the said cargo at the said post of Mobile, and did then and there refuse to permit it to proceed on its passage until the said duty of twelve per centum, amounting to one hundred and eighty-two dollars and sixty-eight cents, was paid.

Now the undersigned, agent to the United States, having paid the aforesaid sum of one hundred and eighty-two dollars and sixty-eight cents, not admitting the right of his most Catholic Majesty's officers to exact or impose the aforesaid duty in manner and form aforesaid, cannot suffer a proceeding, so unaccommodating and apparently unjust, to pass with *tacit* acquiescence, and in compliance with his official obligations, he enters this his remonstrance and *solemn protest*.

Because the exaction of a duty upon the property of a government passing upon navigable waters (which are the common highway of nature) from one part of its territories to another, although this passage might intersect the limits of a different government, is a violation of a right, which ought not to be questioned by nations friendly to each other.

Because his most Catholic Majesty has manifested a disposition friendly, liberal, and just towards the government of the United States, and the chief magistrates of each nation have mutually cultivated peace, harmony, and good will, between their respective citizens and subjects. It is therefore supposed that this proceeding is without his majesty's orders or his knowledge, and that it has probably emanated from the same source from which the unauthorized act of shutting the port of New Orleans against the United States' right of deposit, in the year one thousand eight hundred and two, proceeded. That the proceedings aforesaid may be duly made known to his most Catholic Majesty the king of Spain, and to the President of the United States of America, and thereby become the subject of proper investigation, this remonstrance and protest is made, and delivered to colonel Maximilian Maisant, commandant political and military at Mobile.

Done at Mobile this 13th April, 1804.

(Signed)

JOSEPH CHAMBERS,
Agent to the Chactaw Trading House.

Copy of a Letter from Joseph Chambers, United States factor, to the Secretary of War, dated

Chactaw Trading House, Hobukintoopa, Dec. 12, 1804.

SIR,

ENCLOSED herewith is a copy of a letter from Michael Aclava, collector of the customs at the port of Mobile, to me, and my reply thereto; his letter and the vessels with the goods I met at Fort Stoddart on my way to Mobile.

I have earnestly to solicit that you will direct me how to proceed, in the particular business to which these letters relate; also, to give instructions for my government generally, in my intercourse with the Spanish officers at Mobile, for your instructions would relieve me from much anxiety, occasioned by my fears, that, by acting from my own discretion, I may commit errors, or do things that might not meet your approbation: increased hindrances and obstacles are given, by the Spanish officers at Mobile, to this house, although justice demands that I should state that Michael Aclava, the collector, has been very civil and respectful in the execution of what he states to be the duties of his office, and the orders of his superiour officers.

There will be a considerable quantity of peltry and fur to remit the ensuing spring, from this house: if a duty is to be allowed to the Spaniards upon its passage by Mobile, I must be furnished with the means to meet it. I however flatter myself that we will in a very short time have the free and unfettered navigation of the Mobile river.

I have the honour to be, &c.

(Signed)

JOSEPH CHAMBERS.

Gen. DEARBORN, Secretary of War.

Copy of a Letter from Michael Aclava to Joseph Chambers, dated Mobile, Nov. 20, 1804.

SIR,

FROM what Mr. Smith gave me to understand, I have expected, since Sunday last, to have seen you here: the

weather now is favourable, and I do not wish to detain the vessel. Mr. Smith has bound himself to me to pay the duties on his goods at the end of the year, if governour Folch does not free them. In the full assurance that I have to do with a man of honour, and that you will acquiesce to the above conditions; and if not convenient for you to come down yourself, you can make out an obligation (in the manner Mr. Smith has done) for what goods belong to you, and send it me as soon as possible, for as a publick officer, I must always have documents to shew.

I am, with consideration and esteem, your most obedient servant,
(Signed) MICHAEL ACLAVA.

Copy of a Letter from Joseph Chambers, to Michael Aclava, collector of the customs at Mobile, dated Fort Stoddart, November 27, 1804.

SIR,

I HAD the honour to receive your letter of the 20th current, yesterday. It should have been known that I did, at Mobile, in April last, protest against the right to exact duties from the United States for its property passing by water from one of its ports to another, although in such passage it might intersect the territory of another government: therefore, there was no ground of assurance or even probable expectation that I would consent to, or acquiesce in the decision of governour Folch, only, on this question; further, it will be recollected by the commandant, captain Osorno, colonel Maxent, and Mr. Simpson, that I did at that time refuse to sign a bond for duties, (but the necessity of the case only induced me to pay the duties then demanded) consequently a bond could or ought not to be expected from me in this instance, to authorize the passage of publick goods for the *Indian trading-house, and the Indian presents*; and more especially, when we take into view the 5th article of the treaty of San Lorenzo el Real, of the 27th October, 1795, between the United States and the king of Spain, and which the stoppage of these goods might perhaps have tended to counteract.

Here I quoted the article, vide treaty, article V.

The United States have suffered Spanish subjects, for their own private account and interest, to furnish the Indians within *their limits* with merchandize, without tax or hindrance.

The Spanish government, by its officers at Mobile, have levied and demanded oppressive taxes on the property of the United States, which property or merchandize was expressly intended by the American government for the *humane and benevolent* purposes of cultivating peace, friendship, and good will, between the Indians within their limits and the white people; and also to promote the civilization and happiness of these Indians.

Under the foregoing circumstances, no bond could or will be given by me, without express orders from the government under which I have the honour to act. No great publick accommodation (for it is the government only that is interested) is received by the permission of these goods to pass, after some of them had been detained one month or thereabouts, without any notice being given for what cause, and knowing, as I presume was known and well understood, that they were the property of the United States, and consequently, they must have been permitted to pass as their property only, without any relation to my individual honour or interest, and upon the governmental responsibility.

I feel confident that the American government will cause justice to be done towards you as an officer, for the friendly accommodation intended them by the forwardment of the vessels.

I shall send a copy of your letter and of this to the proper officers of government, also inform them of the respectful manner in which you have exercised the duties of your office in your concerns with me. I am, &c.

(Signed)

JOSEPH CHAMBERS.

Extracts of Letters from General James Wilkinson to the Secretary of War.

“ NEW ORLEANS, DEC. 27, 1803.

“ OUR troops are not yet in quarters, but continue to occupy the redoubts which surround the town, under their tents, which has occasioned great discontent, and produced much sickness : nor have we been able to get possession of a single store-house, or magazine, for the reception of our tools, implements, stores, baggage, and provisions. I am now working on a partition of the barracks, to separate our troops from those of Spain, and hope I shall be able to get our men under cover to-morrow ; but I am reduced to the painful necessity, after waiting thus long, to hire stores for the reception of our provisions, hospital stores, ammunition, arms, and other articles, which expense should, in my judgment, be charged to the French republick, and therefore a separate account will be kept of it, and all other expenses which may accrue in consequence of the incomplete execution of the treaty.”

“ NEW ORLEANS, MARCH 25, 1804.

“ IT pains me still to be obliged to write you from this place, but the causes which have prevented my departure still exist. The prefect of France, and the Spanish troops are still in town, and the magazines and store-houses still in their possession, while we are obliged to pay rent for our own accommodation. My patience is nearly exhausted, and I shall not be detained many days longer, unless something very unexpected should occur to make it my duty.

We have appearances of the prefect's intention soon to depart, though they are contradicted by other circumstances. As to the Marquis de Casa Calvo and the Spanish officers generally, they indicate no intention whatever of moving.

Gouverneur Foleh sailed three days since for Pensacola,

but he was not accompanied by any troops. It is now said they will follow him in a few days: yet, I suspect the Marquis de Casa Calvo will keep a detachment here for his accommodation. You have under cover, a list of guards which the Spaniards mounted in this city yesterday, but you must not believe this singular spectacle is permitted by my consent."

A return of guards mounted in New Orleans by the troops of Spain, March 24, 1804.

	Ser.	Corp.	Priv.
1 Marquis de Casa Calvo	1	—	9
2 Governour Saliedo	1	—	9
3 Intendant Morales	—	1	6
4 Auditor	—	1	3
5 Magazine	—	1	6
6 Hospital	—	1	3
7 Dragoons of Mexico	—	1	3
	2	5	39

"NEW ORLEANS, APRIL 15, 1804.

"I HAVE the satisfaction to inform you, that about three hundred Spanish troops embarked for Pensacola on the 8th instant; but I am informed, that twelve or fifteen officers, and between sixty and one hundred men will continue in this city.

They have delivered up the barracks, but occupy the hospital, and several detached buildings.

The prefect made his congé to our commissioners on the 12th instant, but is still in town exercising his prefectorial and commissarial functions, yet I look daily for his embarkation.

The arrival of our ordnance stores from fort Adams commenced a few days since; but we have, as yet, neither stores nor magazines for their reception, these being still occupied by the French and Spanish governments."

"NEW ORLEANS, APRIL 25, 1804.

"THE prefect of France embarked on the 21st instant. Yesterday the commissioners of the United States took

leave of the commissioner of Spain, and I numbered twenty-five Spanish officers at the audience."

Extract of a Letter from lieutenant colonel Freeman to general Wilkinson, dated New Orleans, July 14, 1804.

"ON the ninth instant, sir, the powder magazine, opposite to this city, was delivered to me."

Extract of a Letter from general Wilkinson to the secretary of war, dated New Orleans, Jan. 16, 1804.

"WE did not, until this day, receive the orders of the French and Spanish commissioners, for the delivery of the posts in Upper Louisiana."

Extract of a Letter from captain Turner to general James Wilkinson, dated Natchitoches, Aug. 1, 1804.

"SINCE I last wrote nothing of much importance has transpired. Our neighbours still keep up that sort of conduct towards us which a state of war alone would justify. Every person who goes from here is strictly examined and searched, and all letters found in their possession are broken open and perused with an expectation of finding them big with treason, stratagems and crimes."

Copy of a Letter from the same to the same, dated Natchitoches, October 15, 1804.

"THE Spaniards are undoubtedly meditating mischief in this quarter. Their emissaries have been at work among the Indians and negroes. The night before last nine of the latter ran off for Nacogdoches, who, it has been ascertained, have been persuaded so to do by a Spaniard, inhabitant of Nacogdoches, telling them on their arrival there they would be made free. Upwards of thirty are at this moment known to have been in the plot of elopement, and intelligence of the extent and nature of the plan is momentarily coming to light. To day it is discovered that four of the nine have returned to rouse and stimulate their

confederates, and others who were not implicated. An Indian boy, who was in one of their cabins, gives the intelligence. He says those who returned were instilling into the others, that since the plot has been discovered, it should stimulate them to be more determined, &c. &c. The whole district is in the most alarming state, and inevitable ruin to it, and perhaps all Louisiana, must be the consequence, unless prompt measures are taken to stop the infamous proceedings of the infernal Spaniards.

I received a message the other day from the Cosadeo or Alibama Indians, informing that other Indians, stimulated by the Spaniards, had desired them to move over the line (they living on this side the Sabine, within the district of Opelousas) and informed them they wished them to join in a war against the Americans; upon refusing they threatened to cut them off wherever they should meet them. Further, that a great council was about to be held, to which all the Indians were invited, and the Spaniards were to have large presents there for them. This intelligence has been corroborated, within a few days, by a white man living near the Sabine, whom the Indians, being friendly towards, desired to quit, as shortly depredations were to commence on the American frontier."

Extract of a Letter from Dr. John Sibley to the Secretary at War, dated Natchitoches, May 1, 1805.

"THE Chaataw chief at the same time reported to me that a party of his people had lately returned from a hunting voyage on the bay of St. Bernard, and that they there fell in with two parties of Spanish troops, who had lately arrived there by water, and had their shipping then laying there; that they were building two forts, and had got them considerably advanced; one of them at the mouth of Trinity river, at the Occokesaws, the other further to the westward, near the Carankuas; they did not know by what name they called the place, but I take it to be Matogordo. That the Spanish officer at Occokesaws had commissioned one of his hunters as a chief, and told him that the Ameri-

eans holding this country was all wind ; that if they were wise, should abandon us, and attach themselves to them, (the Spaniards) for their old friends would not forsake them ; but that they were advancing against the Americans, and should soon build a fort in Oppelousas, and another at Attakapa, and one at or near Natchitoches, and proceed on towards New-Orleans : and the officer told him he was in want of spades to go on faster with the works ; and that, if the Indians would come in amongst the Americans and buy what they could, and bring to him, he would give them a horse for each spade they would bring.

This hunter, on his arrival at Bayou Chico, at the Chaactaw village, finding the chief absent, sent off a runner to notify him of it, and to be on his guard against the Americans, for all Louisiana would soon belong again to Spain.

Mr. Fulsome, whom I occasionally employ as an interpreter, was present when the chief received this message, and came in with him to me, who likewise said, there was at the same time a Spaniard in the Chaactaw camp asleep ; and that after the runner had delivered his message, he, Fulsome, awakened the Spaniard, and asked him if he knew any thing of a Spanish force having arrived at the Ocokesaws ? and he said he had heard so.

An American gentleman, a captain Fristo, of Tennessee, was with me a few hours ago ; he is lately from Nacogdoches, and informs me he understood the same when he was at that place."

Extract of a Letter from captain Turner to General James Wilkinson, dated Fort Claiborne, Natchitoches, May 3, 1805.

"WITHIN these two days I have received information that the Spaniards have absolutely established themselves, both at Matogordo, and the Orcoquizas. They came by sea, and immediately commenced fortifying. The informer is an Indian chief of the Chaactaws, who says, that a warrior of his nation, who has been hunting with the Carankuas, on the bay of St. Bernard, has returned loaded with Spanish

presents and caresses; and says, that the commanding officer told him, that he and his people had better abandon the Americans, and come under the protection of the Spaniards, who would never forsake their old friends: and bid him witness their present proceedings, giving him to understand that it was only preparatory to their taking possession of the country again, which would not long remain in the hands of the Americans, as they meant to edge themselves along till they got to Orleans: that the warrior appeared to believe what was told him, and had returned with different ideas respecting Americans, than he possessed before. The informer further says, that the Spanish troops were in want of spades, and told this Indian, and those who were with him, that if they would bring some from this place, or Oppelousas, he would give them a horse for every one delivered."

Extract of a Letter from Dr. John Sibley to the Secretary at War, dated Natchitoches, May 31, 1805.

"I SENT Mr. Fulsome to bring in the chief and the party of Chactaws, who had lately returned from the bay of St. Bernard, and had given an account of the posts of Matogordo and the Occokesaws being lately taken possession of. Mr. Fulsome found them and brought them in. He can give no certain account of any troops being at Matogordo; but he was at the Occokesaws, and saw them; they were building a fort: but a small number of soldiers.

The chief says the Spanish officer advised him and all his nation to come to them; that their great father over the water had not forgotten them, and gave them not only his hand but his whole arm. He says, the party he saw came there by land: but the evening he left the place, he saw a vessel in the bay, that the officer said was coming to them with a reinforcement. He likewise says, he heard they intended to build forts soon at Oppelousas, Attakapa, and Natchitoches; but he did not hear the officer say it."

Extract of a Letter from Dr. John Sibley to the Secretary of War, dated Natchitoches, July 2, 1805.

“A MAN by the name of St. Prie arrived here yesterday from the Spanish country. He speaks French, I have just had some conversation with him. He says that there are five hundred families arrived at St. Antonio, settlers, with a considerable reinforcement of troops; and that one hundred soldiers were coming to Nacogdoches, fifty of whom were to be there by the 15th instant.”

Extract of a Letter from the same to the same, dated Natchitoches, Aug. 8, 1805.

“GREAT pains are certainly taken by people living here, and strangers passing through the country to and from towards Mexico, to freshen and keep alive the report and belief, that this part of the country is not long to remain in the hands of the United States.

The day before yesterday the Baron Bastrop, an intimate acquaintance of the marquis de Casa Calvo, passed through this place from Orleans on his way to Mexico, or that way; he took great pains to circulate the report, and to tell all the inhabitants he spoke with, that the country would ere long be again under the government of Spain. He speaks French, English and Spanish. Assurances of that kind from a character like the baron, make a strong impression upon the minds of the uninformed inhabitants.”

Extract of a Letter from Captain Turner to General Wilkinson, dated Fort Claiborne, Natchitoches, Sept. 3, 1805.

“ABOUT a month ago Mr. Shabus, of this place, received a letter dated St. Antonio, from Padre Puellet, telling him that the commandant-general, Mr. Grimaré, direct from the court of Spain, was expected in August at the Rio Grand, where a great number of people of the province of Taxus was to meet him; that he was accompanied by seven companies coming to St. Antonio, which place he was to

make his residence, and that captain Amanguál was to be stationed with his full* company at Nacogdoches. Mr. Shabus received a passage from the governour of St. Antonio, and a letter from the bishop, requesting him to come on immediately to make preparations for the commandant-general.

Said Shabus says that he (the commandant-general) was high in the confidence of the court of Spain, and sent on account of the limits. Six hundred families coming from Spain to settle Matagordo, had put into the Canary islands."

Extract of a Letter from the same to the same, dated Fort Claiborne, Natchitoches, Sept. 30, 1805.

THE new governour, Antonio Cordero, has arrived at St. Antonio.

Two men have just arrived from Nacogdoches, one of whom says he saw a letter from Mr. Barr to Davenport, written at St. Antonio, saying that he was waiting to set out with the colonel, who was to take command at Nacogdoches. He was to have two companies with him, one of which was to reinforce the Orcoquisas, and the other to be divided between Nacogdoches and Adeis.

The white men employed by the Indian agent are now with me, and relate the following :

" At about six days march, nearly south west from here, they came in sight of a sort of stockade, as well as they could judge from the distance they saw it. They were discovered by the garrison, and a number of horsemen (to the amount at least of fifty) immediately sallied out from or near the picket work, in line, and gave them chase ; as they approached they formed a half circle in order to enclose them ; they, the Americans, escaped to the woods, which were within a league ; the Spaniards continued the pursuit about fifteen miles. They imagined the fort or picket work to be about one hundred and twenty miles from this place, and is situated in open ground in the bottom of

* A full company consists of captain, lieutenant-commandant, and one hundred and fifteen men.

a prairie, at the confluence of the Trinity and Snow rivers, about twenty miles from the sea.

They were further informed that the place where the fort is was called Orcoquisas."

Extract of a Letter from a Mr. Johnson, son of a Col. Johnson of Kentucky, to Dr. Sibley, dated Nacogdoches, October 3, 1805.

"I HAVE chosen this method of informing you of the receipt of a letter from Mr. Barr but a few minutes since, which mentions that he will be here the day after to-morrow, accompanied by the new commandant, who had under his charge two companies of 110 each. The one is to be stationed at the Trinity until further orders, the other is for this place, with orders to make it a place of defence."

Extract of a Letter from Captain Bowyer to Lieutenant Colonel Freeman, dated Opelousas, Oct. 13, 1805.

YESTERDAY judge Collins waited on me, and informed me, that the minds of the citizens of this district were considerably agitated on a report being in circulation, that a number of Spanish troops have taken post on the Kelque-shoes, some distance on the side of the Sabine. Report says, the number does not fall short of eight hundred. I have no idea the force is as strong as reported, but that there are some Spanish troops in that quarter, I have not the smallest doubt.

Some time before captain Stille left Atakapa, he had certain information, that a regular patrol was kept up on the Sabine, and were relieved weekly from the post of Nacogdoches. Since then, I have been informed (how true I cannot say) that two of the inhabitants of this country are prisoners at that post.

Extract of a Letter from governour Claiborne to the Secretary of War, dated New Orleans, Oct. 30, 1805.

Six hundred troops have arrived at Pensacola from the Havana, and it is reported that the garrisons of Mobile

and Baton Rouge are to receive considerable reinforcements.

A governour-general for the province of Taxus has arrived at St. Antonio: he is a brigadier-general, and said to possess military talents.

A fort is erected on Trinity river, and about two hundred men (the greater part cavalry) are *there* stationed.

HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
JANUARY 3, 1806.

MR. JOHN RANDOLPH, from the committee to whom were referred the message and communication from the President of the United States, of the 6th December last, together with the documents accompanying the same, made a report thereupon, as followeth:—

THE committee have beheld, with just indignation, the hostile spirit manifested by the court of Madrid towards the government of the United States, in withholding the ratification of its convention with us, although signed by its own minister, under the eye of his sovereign, unless with alterations of its terms, affecting claims of the United States, which, by the express conditions of the instrument itself, were reserved for future discussion; in piratical depredations upon our fair commerce; in obstructing the navigation of the Mobile; in refusing to come to any fair and amicable adjustment of the boundaries of Louisiana; and in a daring violation, by persons acting under the authority of Spain, and, no doubt, apprized of her sentiments and views, of our undisputed limits, which she had solemnly recognised by treaty.

To a government having interests distinct from those of its people, and disregarding its welfare, here is ample cause for a formal declaration of war, on the part of the United States, and such, did they obey the impulse of their feelings alone, is the course which the committee would not hesitate to recommend; but to a government identified with its citizens, too far removed from the powerful na-

tions of the earth for its safety to be endangered by their hostility, peace must always be desirable, so long as it is compatible with the honour and interest of the community.

Whilst the United States continue burdened with a debt which annually absorbs two thirds of their revenue, and duties upon imports constitute the only source from which that revenue can be raised, without resorting to systems of taxation not more ruinous and oppressive than they are uncertain and precarious, the best interests of the union cry aloud for peace. When that debt shall have been discharged, and the resources of the nation thereby liberated, then may we rationally expect to raise, even in time of war, the supplies which our frugal institutions require, without recurring to the hateful and destructive expedient of loans; then, *and not till then*, may we bid defiance to the world. The present moment is peculiarly auspicious for this great and desirable work. Now, *if ever*, the national debt is to be paid by such financial arrangements as will accelerate its extinction, by reaping the rich harvest of neutrality, and thus providing for that diminution of revenue which experience teaches us to expect on the general pacification of Europe. And the committee indulge a hope, that in the changed aspect of affairs in that quarter, Spain will find motives for a just fulfilment of her stipulations with us, and an amicable settlement of limits, upon terms not more beneficial to the United States than advantageous to herself; securing to her an ample barrier on the side of Mexico, and to us the countries watered by the Mississippi, and to the eastward of it. But whilst the committee perceive, in the general uproar of Europe, a state of things peculiarly favourable to the peaceable pursuit of our best interests, they are neither insensible to the indignity which has been offered on the part of Spain, nor unwilling to repel similar outrage. On the subject of self-defence, when the territory of the United States is insulted, there can be but one opinion, whatever differences may exist on the question whether that protection, which a vessel finds in our harbours, shall be extended to her by the nation, in the Indian or Chinese seas?

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES TO THE
SENATE, JANUARY 10, 1806.

IN compliance with the request of the Senate, expressed in their resolution of December 27, I now lay before them such documents and papers (there being no other information in my possession) as relate to complaints by the government of France against the commerce carried on by the citizens of the United States to the French island of St. Domingo.

TH: JEFFERSON.

Jan. 10, 1806.

From General Turreau to the Secretary of State.

OCTOBER 14, 1805.

THE undersigned, minister plenipotentiary of his imperial and royal majesty to his excellency the President of the United States of America, has testified in his conversation with the Secretary of State his just discontent with the commercial relations, which many citizens of different states of the Union maintain with the rebels of every colour, who have momentarily withdrawn the colony of St. Domingo from the legal authority.

The principles injuriously affected by such a commerce, or rather by such a system of robbery (brigandage) are so evident, so generally acknowledged, and adopted not only by all nations, who have a colonial system to defend, but even by those who have none; and moreover even by every wise people, to whatsoever political aggregation they may belong; that the statesman, if he has not lost every idea of justice, of humanity, and of publick law, can no more contest their wisdom, than their existence. And certainly the undersigned, in finding himself called by his duty, as well as by his inclination, in the bosom of a friendly people, and near the respectable chief who directs its government;

certainly the undersigned ought not to have expected, that his first political relations would have for their object a complaint so serious, an infraction so manifest of law, the most sacred, and the best observed by every nation under the dominion of civilization.

But it was not enough for some citizens of the United States to convey munitions of every kind to the rebels of St. Domingo, to that race of African slaves, the reproach, and the refuse of nature ; it was moreover necessary to ensure the success of this ignoble and criminal traffick by the use of force. The vessels destined to protect it are constructed, loaded, armed, in all the ports of the Union, under the eyes of the American people, of its particular authority, and of the federal government itself ; and this government, which has taken for the basis of its political career the most scrupulous equity, and the most impartial neutrality, does not forbid it.

Without doubt, and notwithstanding the profound consideration, with which the minister plenipotentiary of the French empire is penetrated for the government of the Union, he might enlarge still farther upon the reflections suggested by such a state of things, a circumstance so important, so unexpected. But it would be equally as afflicting for him to dwell upon it, to state its consequences, as it would be for the government to hear them.

The Secretary of State, who perfectly knows the justice of the principles, and the legitimacy of the rights, referred to in this note, will be of opinion, that neither are susceptible of discussion ; because a principle universally assented to, a right generally established, is never discussed, or at least is discussed in vain. The only way open for the redress of these complaints, is to put an end to the tolerance which produces them, and which daily aggravates these consequences.

Moreover this note, founded upon facts not less evident than the principles which they infract, does not permit the undersigned to doubt that the government of the United

States will take the most prompt, as well as the most effectual prohibitory measures, in order to put an end to its cause ; and he seizes with eagerness this occasion of renewing to the Secretary of State the assurance of his high consideration. (Signed) **TURREAU.**

Faithfully translated,

J. WAGNER,

Chief Clerk Department State.

General Turreau, Minister Plenipotentiary of his Imperial and Royal Majesty, to Mr. Madison, Secretary of State.

WASHINGTON, JAN. 3, 1806.

SIR,

FORMAL orders of my government oblige me to insist upon the contents of my official note, of the 14th of October last, relative to the commerce, which some inhabitants of the United States maintain with the rebels of St. Domingo.

Not receiving any answer to that note, I had room to hope, that the government of the Union would take prompt and effectual measures to put an end to the causes which produced it ; but your silence towards me, especially in relation to St. Domingo, and that of your government toward Congress, impose upon me the duty of recalling to your recollection the said official note, and of renewing to you my complaints upon the tolerance given to an abuse, as shocking, as contrary to the law of nations, as it is to the treaties of peace and friendship existing between France and the United States.

I will not recur, sir, to the different circumstances which have attended the commerce with the revolted part of St. Domingo ; to the scandalous publicity given to its shameful success ; to the rewards and encomiums prostituted upon the crews of armed vessels, whose destination is to protect the voyages, to carry munitions of every kind to the rebels, and thus to nourish rebellion and robbery.

You ought not to be surprised, sir, that I call anew the

attention of the American government to this subject. His excellency Mr. Talleyrand has already testified his discontent to General Armstrong, your minister plenipotentiary at Paris; and you will be of opinion that it is at length time to pursue formal measures against every adventure to the ports of St. Domingo occupied by the rebels. The system of tolerance which produces this commerce, which suffers its being armed, which encourages by impunity its extension and its excess, cannot longer remain; and the emperor and king my master expects from the dignity and the candour of the government of the Union, that an end be put to it promptly.

I add to this despatch a copy of the official note, which has already been transmitted to you. I earnestly request, sir, that you acknowledge the receipt of both, and receive anew assurances of my high consideration.

(Signed)

TURREAU.

Faithfully translated,

J. WAGNER,

Chief Clerk Department State.

From Mr. Talleyrand to General Armstrong.

[Without date, but received in general Armstrong's letter to the Secretary of State, of the 10th August, 1805.]

SIR,

I HAVE several times had the honour to call your attention to the commerce, carried on from the ports of the United States to those of St. Domingo occupied by the rebels. These commercial communications would appear to be almost daily increased. In order to cover their true destination, the vessels are cleared for the West Indies, without a more particular designation of the place, and with the aid of these commissions, provisions, arms, and other objects of supply, of which they stand in need, are carried to the rebels of St. Domingo.

Although these adventures may be no more than the result of private speculations, the government of the United States is not the less engaged to put an end to them by a consequence of the obligations which bind together all the

civilized powers, all those who are in a state of peace. No government can second the spirit of revolt of the subjects of another power; and, as in this state of things, it cannot maintain communications with them, it ought not to favour those which its own subjects maintain.

It is impossible that the government of the United States should longer shut its eyes upon the communications of their commerce with St. Domingo. The adventures for that island are making with a scandalous publicity. They are supported by armed vessels—at their return, feasts are given, in order to vaunt the success of their speculations; and the acknowledgment, even the eulogies of the government are so much relied upon, that it is at these feasts, and in the midst of an immense concourse, where are found the first authorities of the country, that the principles of the government of Haiti are celebrated, and that vows are made for its duration.

I have the honour, sir, to transmit to your excellency an extract of an American journal, in which are contained sundry details of a feast, given in the port of New York, on board of a convoy which had arrived from St. Domingo.

The ninth toast, given to the government of Haiti, cannot fail, sir, to excite your indignation. It is not, after having covered every thing with blood and with ruins, that the rebels of St. Domingo ought to have found apologists in a nation, the friend of France.

But they do not stop at their first speculations. The company of merchants, which gave a feast on the return of their adventure, is preparing a second convoy, and proposes to place it under the escort of several armed vessels.

I have the honour, sir, to give you this information, in order that you may be pleased to call the most serious attention of your government towards a series of facts, which it becomes its dignity and candour no longer to permit. The federal government cannot so far separate itself from the inhabitants of the U. States, as to permit to them, acts and communications, which it thinks itself bound to interdict to itself; or, as to think that it can distinguish its own re-

sponsibility from that of its subjects, when there is in question an unparalleled revolt, whose circumstances and whose horrible consequences must alarm all nations, and who are all equally interested in seeing it cease.

France ought to expect from the amity of the United States, and his majesty charges me, sir, to request in his name, that they interdict every private adventure, which, under any pretext or designation whatsoever, may be destined to the ports of St. Domingo, occupied by the rebels.

Receive, general, the assurances of my high consideration.
(Signed) CH. M. TALLEYRAND.

To his excellency Gen. ARMSTRONG,
Minister Plenipotentiary of the United States.

Faithfully translated,
J. WAGNER,
Chief Clerk Department State.

From Mr. Talleyrand to General Armstrong.

Paris, 29th Thermidor, 13th year, (Aug. 16, 1805.)

SIR,

SINCE the letter, I had the honour to write to you on the 2d Thermidor, concerning the armaments which were making in the ports of the United States for the western part of St. Domingo, fresh information upon this point confirms every thing which had been received. The adventures for St. Domingo are publickly made; vessels are armed for war to protect the convoys; and it is in virtue of contracts, entered into between Dessalines and American merchants, that the latter send him supplies and munitions of war.

I add, sir, to the letter, which I have the honour to write to you, a copy of a sentence given at Halifax, in the matter of a merchant of New York, who had conveyed into the revolted part of St. Domingo, three cargoes of gun powder, and who was taken on his return by an English frigate.

If even in the English tribunal, where this prize was condemned, the whole island of St. Domingo was considered as a French colony, how can the federal government tolerate, that the rebels of this colony should continue to

receive from America succours against the parent country? It is impossible that that government should be ignorant of the armaments making in its ports. Too much publicity is given to them not to render it responsible, and it ought to preceive that it is contrary to every system of peace and good friendship, to suffer longer in its ports, armaments evidently directed against France.

Without doubt the federal government would not wish, in order to favour certain private speculations, to give new facilities to rebellion and robbery (brigandage); the tolerance of a commerce so scandalous would be unworthy of it. Neither your government nor his majesty can be any longer indifferent to it; and as the seriousness of the facts, which occasion this complaint, obliges his majesty to consider as good prize every thing which shall enter the port of St. Domingo, occupied by the rebels, and every thing coming out, he persuades himself, that the government of the United States will take, on its part, against this commerce, at once illicit and contrary to all the principles of the law of nations, all the repressive and authoritative measures proper to put an end to it. This system of impunity and tolerance* can no longer continue; and his majesty is convinced, that your government will think it due from its frankness promptly to put an end to it.

Receive, sir, the assurances of my high consideration.

(Signed)

CH. M. TALLEYRAND.

To his excellency, GENERAL ARMSTRONG.

Faithfully translated,

J. WAGNER,

Chief Clerk Department State.

* Ne pourroit durer d'avantage.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, RESPECTING THE APPLICATION OF HAMET CARAMALLI, EX-BASHAW OF TRIPOLI. JANUARY 13, 1806.

I LAY before congress the application of Hamet Caramalli, elder brother of the reigning Bashaw of Tripoli, soliciting from the United States attention to his services and sufferings in the late war against that state: and in order to possess them of the ground on which that application stands, the facts shall be stated according to the views and information of the executive.

During the war with Tripoli, it was suggested that Hamet Caramalli, elder brother of the reigning Bashaw, and driven by him from his throne, meditated the recovery of his inheritance, and that a concert in action with us was desirable to him. We considered that concerted operations by those who have a common enemy were entirely justifiable, and might produce effects favourable to both, without binding either to guarantee the objects of the other. But the distance of the scene, the difficulties of communication, and the uncertainty of our information, inducing the less confidence in the measure, it was committed to our agents, as one which might be resorted to, if it promised to promote our success.

Mr. Eaton, however, our late consul, on his return from the Mediterranean, possessing personal knowledge of the scene, and having confidence in the effect of a joint operation, we authorized commodore Barron, then proceeding with his squadron, to enter into an understanding with Hamet, if he should deem it useful: and as it was represented that he would need some aids of arms and ammunition, and even of money, he was authorized to furnish them to a moderate extent, according to the prospect of utility to be expected from it. In order to avail him of the advantages of Mr. Eaton's knowledge of circumstances, an occasional employ-

ment was provided for the latter as an agent for the navy in that sea. Our expectation was, that an intercourse should be kept up between the ex-bashaw and the commodore; that while the former moved on by land, our squadron should proceed with equal pace, so as to arrive at their destination together, and to attack the common enemy by land and sea at the same time. The instructions of June 6th, to commodore Barron, show that a co-operation only was intended, and by no means an union of our object with the fortune of the ex-bashaw; and the commodore's letters of March 22, and May 19, prove that he had the most correct idea of our intentions. His verbal instructions, indeed, to Mr. Eaton and captain Hull, if the expressions are accurately committed to writing by those gentlemen, do not limit the extent of his co-operation as rigorously as he probably intended; but it is certain from the ex-bashaw's letter of January 3, written when he was proceeding to join Mr. Eaton, and in which he says, "your operations should be carried on by sea, mine by land," that he left the position in which he was, with a proper idea of the nature of the co-operation. If Mr. Eaton's subsequent convention should appear to bring forward other objects, his letter of April 29, and May 1, views this convention but as provisional, the 2d article, as he expressly states, guarding it against any ill effect, and his letter of June 30 confirms this construction. In the event it was found, that, after placing the ex-bashaw in possession of Derne, one of the most important cities and provinces of the country, where he had resided himself as governour, he was totally unable to command any resources, or to bear any part in co-operation with us. This hope was then at an end; and we certainly had never contemplated, nor were we prepared to land an army of our own, or to raise, pay or subsist an army of Arabs, to march from Derne to Tripoli, and to carry on a land war, at such a distance from our resources. Our means and our authority were merely naval; and that such were the expectations of Hamet, his letter of June 29 is an unequivocal acknowledgment. While, therefore, an

impression from the capture of Derne might still operate at Tripoli, and an attack on that place from our squadron was daily expected, colonel Lear thought it the best moment to listen to overtures of peace then made by the Bashaw. He did so, and while urging provisions for the United States, he paid attention also to the interests of Hamet; but was able to effect nothing more than to engage the restitution of his family, and even the persevering in this demand suspended for some time the conclusion of the treaty.

In operations at such a distance it becomes necessary to leave much to the discretion of the agents employed: but events may still turn up beyond the limits of that discretion. Unable in such a case to consult his government, a zealous citizen will act as he believes that would direct him, were it apprized of the circumstances, and will take on himself the responsibility. In all these cases, the purity and patriotism of the motives should shield the agent from blame, and even secure a sanction where the error is not too injurious. Should it be thought by any that the verbal instructions, said to have been given by commodore Barron to Mr. Eaton, amount to a stipulation that the United States should place Hamet Caramalli on the throne of Tripoli, a stipulation so entirely unauthorized, so far beyond our views, and so onerous, could not be sanctioned by our government; or should Hamet Caramalli, contrary to the evidence of his letters of January 3 and June 29, be thought to have left the position which he now seems to regret, under a mistaken expectation that we were at all events to place him on his throne, on an appeal to the liberality of the nation, something equivalent to the replacing him in his former situation might be worthy its consideration.

A nation, by establishing a character of liberality and magnanimity, gains in the friendship and respect of others more than the worth of mere money. This appeal is now made by Hamet Caramalli to the United States. The ground he has taken, being different not only from our

views but from those expressed by himself, on former occasions, Mr. Eaton was desired to state whether any verbal communications passed from him to Hamet which had varied what we saw in writing. His answer of December 5th is herewith transmitted, and has rendered it still more necessary, that, in presenting to the legislature the application of Hamet, I should present them at the same time an exact statement of the views and proceedings of the executive, through this whole business, that they may clearly understand the ground on which we are placed. It is accompanied by all the papers which bear any relation to the principles of the co-operation, and which can inform their judgment in deciding on the application of Hamet Caramalli.

TH: JEFFERSON.

January 13, 1806.

Extract of a Letter from the Secretary of State to Mr. Cathcart, dated Aug. 22, 1802.

“ACCORDING to information given by Mr. Eaton, he has prevailed on the brother of the Bashaw of Tripoli to repair to Malta, with a view to be with our squadron before Tripoli, and to be made use of against the Bashaw. At this distance it is difficult to judge accurately of the project, or to give particular instructions for the management of it. Although it does not accord with the general sentiments, or views of the United States, to intermeddle with the domestick controversies of other countries, it cannot be unfair, in the prosecution of a just war, or the accomplishment of a reasonable peace, to take advantage of the hostile co-operation of others. As far, therefore, as the views of the brother may contribute to our success, the aid of them may be used for the purpose. Should this aid be found inapplicable, or his own personal object unattainable, it will be due to the honour of the United States, and to the expectations he will have naturally formed, to treat his disappointment with much tenderness, and to restore him, as nearly as may be, to the situation from which he was drawn, or to make some other convenient arrangement, that may be more eli-

gible to him. In case of a treaty of peace with the ruling Bashaw of Tripoli, perhaps it may be possible to make some stipulation, formal, or informal, in favour of the brother, which may be a desirable alleviation of his misfortune.”

TO ALL WHO SHALL SEE THESE PRESENTS—GREETING :

Know ye, that reposing special trust and confidence in the zeal, fidelity, and abilities of William Eaton, I do hereby appoint him agent of the navy department of the United States of America, for the several Barbary regencies.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of the navy department [L. s.] of the United States of America, at the city of Washington, this 26th day of May, 1804.

(Signed)

R. SMITH,
Secretary of the Navy.

Registered,

CH. W. GOLDSBOROUGH,
Chief Clerk of the Navy Department.

Copy of a Letter from the Secretary of the Navy to William Eaton, Esquire, dated May 30, 1804.

SIR,

HEREWITH you will receive an appointment as navy agent for the several Barbary regencies.

You will receive instructions from, and obey the orders of Commodore Barron ; and will render to our squadron in the Mediterranean every assistance in your power.

As a compensation for your services, you will be allowed at the rate of twelve hundred dollars per annum, and the rations of a lieutenant in the navy of the United States.

I am respectfully, &c.

(Signed)

R. SMITH.

Extracts of a Letter from the Secretary of the Navy to Commodore Samuel Barron, dated June 6, 1804.

“ WITH respect to the ex-bashaw of Tripoli, we have no objection to your availing yourself of his co-operation

with you against Tripoli, if you shall, upon a full view of the subject, after your arrival upon the station, consider his co-operation expedient. The subject is committed entirely to your discretion. In such an event you will, it is believed, find Mr. Eaton extremely useful to you.

“ Col. Tobias Lear, our consul general at Algiers, is invested by the President with full power and authority to negotiate a treaty of peace with the Bashaw of Tripoli, and also to adjust such terms of conciliation as may be found necessary with any of the other Barbary powers. He is, therefore, to be conveyed by you to any of these regencies, as he may request of you, and you will cordially co-operate with him in all such measures as may be deemed the best calculated to effectuate a termination of the war with Tripoli, and to ensure a continuance of the friendship and respect of the other Barbary powers.”

Commodore Barron to Captain Hull.

SEPT. 13, 1804.

SIR,

THE state and condition of the *Argus*, under your command, requiring that she should go into port for the purpose of refitting, &c. I request you to proceed with all practicable expedition to Malta, or Syracuse, and there refit your vessel, which being completed, you will take on board two months provisions and water, and proceed for the port of Alexandria, and if at that port or Smyrna, you find any American vessels, you will give them convoy as far as Malta, and immediately after join the squadron off this place.

You will take under your care the ship *St. Michael*, intercepted by the squadron, in the attempt to enter the blockaded port of Tripoli. You will find Commodore Preble at Malta or Syracuse, with two other ships, captured in making the same attempt. You will receive his orders with respect to the disposition of the *St. Michael*, cause all her papers to be delivered to him, and furnish him with all the information you may be able to gain from her crew,

&c. on your passage. You will inform the commanders of vessels you may find at Syracuse, that I shall be off Tripoli."

Verbal orders of Commodore Barron to Captain Hull, of the United States brig Argus, in presence of the undersigned, on board the President.

SEPT. 15, 1804.

SIR,

"THE written orders I here hand you, to proceed to the port of Alexandria or Smyrna, for convoying to Malta any vessels you may find there, are intended to disguise the real object of your expedition, which is to proceed with Mr. Eaton to Alexandria, in search of Hamet Bashaw, the rival brother and legitimate sovereign of the reigning Bashaw of Tripoli; and to convey him and his suite to Derne, or such other place on the coast as may be determined the most proper for co-operating with the naval force under my command, against the common enemy: or, if more agreeable to him, to bring him to me before Tripoli.

Should Hamet Bashaw not be found at Alexandria, you have the discretion to proceed to any other place for him, where the safety of your ship can be, in your opinion, relied upon.

The Bashaw may be assured of the support of my squadron at Bengazi or Derne, where you are at liberty to put in, if required, and if it can be done without too great risk. And you may assure him also, that I will take the most effectual measures with the forces under my command, for co-operating with him against the usurper, his brother, and for re-establishing him in the regency of Tripoli. Arrangements to this effect are confided to the discretion with which Mr. Eaton is vested by the government."

Attest.

ISAAC HULL,

WILLIAM EATON.

EXTRACTS.

Mr. Eaton to Captain Hull.

GRAND CAIRO, JAN. 8, 1805—3 P. M.

SCARCELY had my letter of this morning gone off by your courier express, when a letter from Hamet Bashaw came to hand, of which the following is a copy, by translation :

“ Thanks be to him to whom gratitude is due. To our friend, and the very good friend of our highness, the American agent, Mr. Eaton.

“ We have received your letter, and after having understood the contents, we gave thanks to God for having preserved your health. Know that I am ever the same as you knew me at Tunis ; my friendship is constant and uniform ; but you have been tardy. We must, however, make this delay subserve a good purpose.

“ From the date of the present I shall leave this for Behera, and shall there take quarters at the house of the Arab chief Abdelgiver el be Kourchi, where I propose to you to meet me. I have written to my subjects and to my minister Mahmoud Kogea, and also the governour of police, Muhammed, son of Abdulrahmen, that they may treat with you ; and whatever you conclude with them, will be ratified by me. Your operations should be carried on by sea ; mine by land : and may God assist us to re-establish peace and harmony. The 28th Namadan, 1219.

(Signed)

HAMET BASHAW,
Son of Ali Bashaw Caramalli.”

The date of the Bashaw's letter corresponds with the 3d instant. The place of meeting about eight hours march from Alexandria, so that he will probably arrive thither before we can with you.

[COPY.] *Captain Bainbridge to George Davis, Esq. at Tunis.*

TRIPOLI, JAN. 27, 1805.

SIR,

I HAVE been anxiously expecting to hear from you, and to receive some information on the determination of our government. Not one word on that subject have I yet heard. I am anxiously expecting letters from Commodore Barron. I believe the Bashaw is very desirous of peace, and has great apprehensions of the intended attack; and was a negotiation to be attempted, I think it very probable that it would succeed, for the apprehension of the attack might have as great an effect as the attack itself; and should the attack prove unsuccessful, he will no doubt continue in demanding a considerable sum. As I am quite ignorant of the force that will be brought against this place, I cannot give any opinion of the probable effect it may have. We offer our most fervent prayers that the greatest success may attend it. I cannot say what the Bashaw's demand will be, but I believe he would take at this moment much less than what he demanded of Commodore Preble last August. Our funds are all exhausted, and bills on Tunis are at a great exchange against the drawer. Pray, have you heard of Eaton? In your next, which I anxiously expect soon, I shall receive a great deal of news, I hope. I assure you, was it not for our friend, Mr. Nissen, we should suffer considerably for necessaries in our close confinement; but he is a friend in need; of course, a friend indeed."

P. S. By the Danish consul. "The Bashaw is now very attentive upon your transactions with his brother in Alexandria. A camp is going against Derne. Give me leave to tell you that I found your plan with the Bashaw's brother very vast, and that you sacrifice your prisoners' lives here in case of success."

EXTRACTS.

William Eaton, Esq. to the Secretary of the Navy.

ALEXANDRIA, FEB. 13, 1805.

“THE letters which have passed between captain Hull and myself, copies of which are herewith annexed to a duplicate of that I had the honour to address you on the 13th December, convey a detail of our transactions since that date. The apprehensions then entertained of impediments on the part of the Mameluke beys were just. The Bashaw separated himself from them with his suite immediately on receiving my first letter from Cairo, and repaired to Fiaum, a neutral province; but the evening of his departure thirty Arab chiefs were put in chains by the Mameluke bey Osman Bey Berdici, to prevent their following him with their tribes. Of four copies of the vice-roy's letter of amnesty, which I despatched by different conveyances, not one reached him. Three mattees, in disguise of Arabs, charged with one of them, entered the Mameluke camp, were arrested, the packet taken from them, and they sentenced to death. They intoxicated the sentinel, who was an European renegado, and escaped to Fiaum; by whom the Bashaw obtained the first information of that act of grace, and it was not till he joined me at Deman-hour that he first saw the letter. This has delayed our measures and given us embarrassments. My three enterprizing mattees are with me, but we have no returns from any of the other three couriers.

“The Bashaw had already determined to take the desert of Lybia to Derne, giving for his reason, which I think a sound one, that by taking shipping and separating himself from the Arabs, they would lose all patience if not confidence also, and abandon his cause. He has consequently moved round the lake and will to-morrow take his station at Arabs Ton, 30 miles westward of the old port of Alexandria, where I am to join him with a detachment from the city, next Sunday, and proceed with him to Bomba, at

the head of 500 men, and there take post. Meantime captain Hull repairs to the rendezvous for suitable reinforcements and supplies to secure an establishment at Derne and Bengazi. Those provinces in our possession will cut off from the enemy and turn into our own channel a source of provisions, and will open a free intercourse with the interior of the country. I have requested of the commodore, for this purpose, an hundred stand of arms with cartridges, and two brass field pieces with trains and ammunition, and also a detachment of 100 marines, if necessary, to lead a *coup de main*.

“ I calculate the whole expenditure of cash in this expedition, including expenses in Egypt, will amount to twenty thousand dollars. Further disbursements and supplies will be necessary to carry this plan into final effect. But to indemnify the United States, I have entered into a convention with Hamet Bashaw, to pledge the tribute of Sweden, Denmark, and the Batavian Republic; which convention I shall reduce to writing and forward by captain Hull, if time permit; otherwise by the earliest occasion.

“ Day before yesterday, an envoy arrived in a ketch from Jussuf, Bashaw of Tripoli, to the governour and admiral of this place, for the express purpose of prevailing on them to stop Hamet Bashaw from going out of the country. Intelligence of our having left Syracuse for this place, with a view of taking him away, was conveyed to the enemy by a resident at Malta, known by the name of Soluquet H. Conte Gallini. I do not know his real name. The agent made great promises, in the name of his master, to these Turkish commanders: But perceiving they seemed not to have full faith in his assurances, he resorted to the sensibility of their compassion; said, *if Hamet Bashaw was permitted to return, Jussuf must fly the kingdom or lose his head. The subjects of Tripoli were getting weary of the war with these new infidels; they could not learn from their movements their intentions, and were attacked unaware: The Bashaw believed he could resist them upon his batteries; but if they made a descent with his brother, his people would*

all leave him. 'This statement comes from the private secretary of the governour, who is secured in our interest, who heard the cause of Jussuf Bashaw argued before the governour and admiral. I don't learn what effect it has taken, but if the client has not the means of touching a more sensible nerve than a Turk's pity, his case is forlorn. At any rate we are secure against his influence by the secure position we have taken. Except, therefore, some unforeseen accident thwart us, my next will be dated at Bengari. The Arabs and Moors are universally with us, and, if we had the means of subsistence, we might march 20 or 30,000 from the borders of Egypt, who from time to time have taken refuge here since the usurpation of Jussuf Bashaw.'

EXTRACTS.

Mr. Eaton to Commodore Barron,

ALEXANDRIA, FEB. 14, 1805.

"I CALCULATED to leave this on Sunday, and in two days after to proceed on our march with Hamet Bashaw to Bomba, by the desert, where it is hoped we shall meet reinforcements, and supplies sufficient to secure positions at Derne and Bengari. This, we are of opinion, will require two additional small vessels and a bomb ketch. A gun boat also would be useful, if the navigation at this season should not be thought too hazardous. Two brass field pieces (4 pounders) with their trains and ammunition, and 100 stand of arms, with cartridges, will be requisite. And, to place the success of the expedition beyond the caprice of incident, 100 marines, with bayonets, should be at hand, to lead a *coup de main*, in case of necessity. By the time we shall have arrived at Bomba, I shall have disbursed about 10,000 dollars which we have taken up on credit of Messrs. Briggs and Brothers, 4000 dols. of which sum capt. Hull has drawn bills on Malta and London: the balance we have promised shall be sent up in one of the small vessels. Ten thousand dollars more at least will be necessary,

to accomplish our views on Derne and Bengazi. The Bashaw assures me he will be able immediately to refund these sums when established in those provinces. And to indemnify the United States for all expenses, arising out of a co-operation with him, he pledges the tribute of Denmark, Sweden, and the Batavian republick, in case of recovering his throne, which may be calculated upon as a certain event, if measures to that effect are supported by suitable energy and address. He engages also to release to you, without ransom, captain Bainbridge, his officers, and all American prisoners who may be in captivity at Tripoli; to stipulate with the United States, a permanent peace, without tribute, and on the footing of the most favoured nation. He engages that in case of future war, captives shall be treated as *prisoners* and not as *slaves*, and subject to reciprocal exchange. He will surrender the enemy and his family and chief admiral into our hands, in case he does not escape by flight, to be held as hostages. And he agrees to deliver up to you, if required, all vessels of war, which shall have been employed against the United States by Jussuf Bashaw.

In consideration of the friendly offices of his majesty the king of the two Sicilies, towards the squadron of the United States, Hamet Bashaw invites his majesty to renew with him their ancient friendship, and proffers to him a peace on the same footing as that to be stipulated in his convention with the United States. If time and circumstances admit, we shall reduce this convention to writing, and forward copies by captain Hull; otherwise it will be done at Bomba. At the invitation of the Bashaw and divan, and in conformity to the sentiments expressed to me by the Secretary of the Navy, I have taken on myself the command in chief of the Bashaw's army, and the direction of all operations by land, and I cannot but flatter myself we may realize success of our expectations on this coalition; and that you will have the glory of carrying the usurper a prisoner in your squadron to the United States; and of relieving our fellow citizens from the chains of slavery, without the degrading condition of a ransom.

CONVENTION

*Between the United States of America and his highness
Hamet Caramanly, Bashaw of Tripoli.*

GOD IS INFINITE.

ARTICLE I.

THERE shall be a firm and perpetual peace and free intercourse between the government of the United States of America, and his highness Hamet Caramanly, Bashaw, the legitimate sovereign of the kingdom of Tripoli, and between the citizens of the one and the subjects of the other.

ARTICLE II.

The government of the United States shall use their utmost exertions, so far as comports with their own honour and interest, their subsisting treaties, and the acknowledged laws of nations, to re-establish the said Hamet Bashaw in the possession of his sovereignty of Tripoli, against the pretensions of Joseph Bashaw, who obtained said sovereignty by treason, and who now holds it by usurpation, and who is engaged in actual war against the United States.

ARTICLE III.

The United States shall, as circumstances may require, in addition to the operations they are carrying on by sea, furnish the said Hamet Bashaw on loan, supplies of cash, ammunition and provisions, and if necessity require, debarkations of troops, also to aid and give effect to the operations of the said Hamet Bashaw by land against the common enemy.

ARTICLE IV.

In consideration of which friendly offices, once rendered effectual, his highness Hamet Caramanly Bashaw engages, on his part, to release to the commander in chief of the forces of the United States, in the Mediterranean, without ransom, all American prisoners who are, or may hereafter be, in the hands of the usurper, said Joseph Bashaw.

ARTICLE V.

In order to indemnify the United States against all expense they have or shall incur in carrying into execution their engagements expressed in the second and third articles of this convention, the said Hamet Bashaw transfers and consigns to the United States the tribute stipulated by the last treaties of his Majesty the King of Denmark, his Majesty the King of Sweden, and the Batavian republick, as the condition of peace with the regency of Tripoli, until such time as said expense shall be reimbursed.

ARTICLE VI.

In order to carry into full effect the stipulation expressed in the preceding article, said Hamet Bashaw pledges his faith and honour faithfully to observe and fulfil the treaties now subsisting between the regency of Tripoli and their Majesties the kings of Denmark and Sweden, and with the Batavian republick.

ARTICLE VII.

In consideration of the friendly disposition of his Majesty the King of the Two Sicilies towards the American squadron, his highness Hamet Bashaw invites his said Sicilian Majesty to renew their ancient friendship, and proffers him a peace on the footing of that to be definitively concluded with the United States of America, in the fullest extent of its privileges, according to the tenour of this convention.

ARTICLE VIII.

The better to give effect to the operations to be carried on by land in the prosecution of the plan, and the attainment of the object pointed out by this convention, William Eaton, a citizen of the United States, now in Egypt, shall be recognised as general and commander in chief of the land forces which are or may be called into service against the common enemy. And his said highness Hamet Bashaw engages that his own subjects shall respect and obey him as such.

ARTICLE IX.

His highness said Hamet Bashaw grants full amnesty and perpetual oblivion towards the conduct of all such of his subjects as may have been seduced by the usurper to abandon his cause, and who are disposed to return to their proper allegiance.

ARTICLE X.

In case of future war between the contracting parties, captives on each side shall be treated as prisoners of war, and not as slaves, and shall be entitled to reciprocal and equal exchange, man for man, and grade for grade; and in no case shall a ransom be demanded for prisoners of war, nor a tribute required, as the condition of peace, neither on the one part nor on the other. All prisoners on both sides shall be given up at the conclusion of peace.

ARTICLE XI.

The American consular flag in Tripoli shall for ever be a sacred asylum to all persons who shall desire to take refuge under it, except for the crimes of treason and murder.

ARTICLE XII.

In case of the faithful observance and fulfilment on the part of his highness, said Hamet Bashaw, of the agreements and obligations herein stipulated, the said commander in chief of the American forces in the Mediterranean engages to leave said Hamet Bashaw in the peaceable possession of the city and regency of Tripoli, without dismantling its batteries.

ARTICLE XIII.

Any article suitable to be introduced in a definitive treaty of peace between the contracting parties, which may not be comprised in this convention, shall be reciprocally on the footing of the treaties subsisting with the most favoured nations.

ARTICLE XIV.

This convention shall be submitted to the President of the United States for his ratification. In the mean time there shall be no suspense in its operations.

Done at Alexandria in Egypt, February 23, 1805, and signed by said Hamet Bashaw for himself and successors, and by William Eaton on the part of the United States.

ADDITIONAL ARTICLE, SECRET.

His highness Hamet Bashaw will use his utmost exertions to cause to surrender to the commander in chief of the American forces in the Mediterranean the usurper Joseph Bashaw, together with his family, and chief admiral called Maurad Rais, alias Peter Lisle, to be held by the government of the United States as hostages, and as a guarantee of the faithful observance of the stipulations, entered into by convention of the 23d February, 1805, with the United States, provided they do not escape by flight.

Commodore Barron to William Eaton, Esq.

MALTA, MARCH 22, 1805.

SIR,

By Captain Hull, who arrived in this harbour with the United States brig Argus under his command, on the 10th instant, I received your favours addressed to me, together with communications for the Secretary of the Navy, and copies of the correspondence betwixt yourself and Captain Hull, relative to your proceedings, from your arrival in Egypt until his departure from thence; also by the hands of Mahumed, secretary, a letter from his excellency Hamet Bashaw, announcing his junction with you, all which I have perused with an attention and deliberation which the important and interesting nature of their contents demands. I cannot but applaud the energy and perseverance that has characterized your progress, through a series of perplexing and discouraging difficulties, to the attainment of the object of your research, an attainment which I am disposed to consider as a fair presage of future success.

On receipt of these communications by Captain Hull, I did not lose a moment in making the necessary arrangements for sending you succours, and I now despatch the

Argus brig, with the Hornet sloop under her convoy, carrying a variety of stores and provisions, according to the accompanying list. Captain Hull will shape his course for Bomba, direct, where he calculates on finding you, with the Bashaw and his army, and where he supposes you will make a stand. I have directed him to deliver these stores to you, to be applied as your discretion may direct. He has also under his charge a sum in specie, amounting to 7,000 dollars, which is likewise to be placed at your disposal. By the time these vessels establish a communication with you, you will have been enabled to form a correct opinion as to the prospect of ultimate success, and thence to estimate the advantages likely to result to our affairs from this co-operation, and by this opinion you must be guided in the application of the succours. Should you have encountered unexpected difficulties and obstacles, which place the chances of success upon more than precarious ground, your own prudence will suggest the propriety of not committing these supplies, and the money, uncontrolledly to the power of the Bashaw: indeed, in the point of view in which I regard the measures already pursued, as well as the subject of co-operation generally, I conceive we ought to tread with the utmost caution. It is far from my wish, sir, to damp your ardour, or that of your companions in arms, by laying too great a stress upon the cold maxims of prudence, whereby the tide of success is often lost; something, I am aware, should always be left to fortune, in enterprizes of this nature; but I must own there are certain things, expressed in your despatches, which, when brought to the test of my instructions from home, give birth to feelings of doubt and uneasiness: these I deem it incumbent on me to point out to you with candour and explicitness, in order that we may be fully understood. You must be sensible that in giving their sanction to a co-operation with the exiled Bashaw, government did not contemplate the measure as leading, necessarily and absolutely, to a reinstatement of that prince in his rights on the regency of Tripoli. They appear to have viewed the co-operation

in question, as a means which, if there existed energy and enterprise in the exile, and attachment to his person on the part of his former subjects, might be employed to the common furtherance and advantage of his claims and our cause, but without meaning to fetter themselves by any specifick and definite attainment as an end, which the tenour of my instructions, and the limited sum appropriated for that special purpose, clearly demonstrate. I fear by the convention you were about to enter into with Hamet, and by the complexion of other measures, that a wider range may have been taken than is consistent with the powers vested in me for that particular object. These apprehensions may, perhaps, prove groundless, on further representations from you ; but under my present impressions, I feel it my duty to state, explicitly, that I must withhold my sanction to any convention or agreement committing the United States, or tending to impress upon Hamet Bashaw a conviction that *we have bound ourselves* to place him upon the throne. The consequences involved in such an engagement cannot but strike you forcibly, and a general view of our situation, in relation to the reigning Bashaw and our unfortunate countrymen in Tripoli, will be sufficient to mark its inexpediency. I shall consider it my duty, as it is certainly my inclination, to afford you every aid compatible with the authority vested in me, and commensurate with the means which have been placed at my disposal, and you may rely on the most active and vigorous support from the squadron, as soon as the season and our arrangements will permit us to appear in force before the enemy's walls ; but I wish you to understand that no guarantee or engagement to the exiled prince, whose cause, I must repeat, we are only favouring as an instrument to our advantage, and not as an end in itself, must be held to stand in the way of our acquiescence to any honourable and advantageous terms of accommodation which the reigning Bashaw may be induced to propose : such terms being once offered, and accepted by the representative of government appointed to treat of peace, our support to the ex-bashaw must necessa-

rily cease. You will not, however, conceive that these considerations, important and necessary as they are, ought to induce us at once to abandon the benefits which the measures you have adopted seem to promise. I conceive a perseverance in these by no means incompatible with a total freedom from any trammels with respect to a definite object, which freedom I deem it all important to preserve, especially when I view the peculiar situation in which Captain Bainbridge and his fellow-sufferers may be placed by this co-operation. If, by your energy and exertions, added to the supplies now sent forward, you succeed in getting possession of Derne and Bengazi, we may calculate, that, having received this impulse from our strength, the Bashaw will, himself, possess sufficient energy, courage, and talents, and if accounts are correct, sufficient interest among the people, to move on with firm steps, and to conduct his friends and followers to the gates of Tripoli. Every support will, of course, be given to him by a systematick union of operations with the squadron, so as to enable him to get in the rear of the town; but should he be found deficient in those qualities, or that it appears we have been deceived in regard to the disposition of the inhabitants, he must be held as an unfit subject for further support or co-operation. I beg leave to mention to you, that as we are short of officers, the services of all will be wanted on board the respective ships, as soon as we enter upon offensive measures. Should you conceive, however, that any serious disadvantage may result from withdrawing those with you, I have no objection to their remaining as volunteers; but it is impossible for me to comply with your requisition for 100 marines to be sent to the coast. Such a step, in the present posture of affairs, far exceeds my powers, and, besides, as we are rather short of hands, I could not feel myself justifiable in detaching so considerable a force from the squadron. I have not been unmindful of your requisition for field artillery, which, I think with you, is essential, but here it was impossible to procure it; I therefore despatched, some days since, the Congress frigate to Messina, where I hope

to obtain four field-pieces complete for service, and as soon as they arrive they will be sent to the coast, with the necessary ammunition. As I am still too unwell to write you with my own hand, I must refer you to Captain Hull, in whose judgment and discretion I have the fullest confidence, for information on several collateral points, and for my sentiments on others. In this letter I have endeavoured to explain, as clearly as possible, what are my ideas with respect to the wishes and intentions of our government, and what I feel to be the extent of my authority, relative to the co-operation with Hamet Bashaw. I reiterate my fixed resolution to afford you every support and assistance which are consistent with the powers and resources vested in me; adding, at the same time, my dissent from any guarantee, covenant, or engagement, by which the United States may stand committed, to place the exiled prince on the throne, or any condition which militates against the most perfect and uncontrolled power of choice and action, in concluding a pacification with Jussuf Bashaw, should he offer terms honourable and advantageous to our country.

I should be wanting in justice to you, sir, as well as to the officers who have shared thus far your toils and dangers, were I not to express my full reliance upon your courage, energy, and perseverance, as well as my ardent desire that your most sanguine expectations may be realized. The observations which I here convey to you are far from being intended to cool your zeal or discourage your expectations; but they are what I conceive it necessary to make, and drawn from me by the purest feeling of duty, and as such, permit me to recommend them to your calm and candid consideration, and I request that you will make them the subject of conversation with Captain Hull, who is fully possessed of my sentiments.

[COPY.] *From Commodore Barron to the Secretary of the Navy.*

MALTA, APRIL 6, 1805.

SIR,

HAVING in my respects of yesterday given a full account of the present disposal of the squadron under my command, and whatever had occurred of notice since my preceding despatches, I have now the honour to lay before you a sketch of Mr. Eaton's transactions in Egypt, and the measures which have been in consequence thereof adopted. The accompanying communications from that gentleman to the navy department, joined with copies of those addressed to me, and the collateral correspondence betwixt captain Hull and him, to all which I beg leave to refer you minutely, will afford you a wide view of the subject, whilst it precludes the necessity of lengthy comments from me. You will there perceive the many and unforeseen difficulties which Mr. Eaton met with in finding the ex-bashaw, who had joined the fortunes of the Mamelukes. You will be apprized of the situation in which matters stood at the departure of the *Argus* from Alexandria, on the 19th of February, and the plan which he had chalked out to pursue the intended co-operation with Hamet. On receipt of these advices I made immediate arrangements to send such part of the succours requested by the Bashaw and Mr. Eaton, as could be procured here, and as I considered myself authorized by my instructions to afford; and captain Hull sailed again on the 26th ultimo, in the *Argus*, with the *Hornet* sloop, (the same which I mentioned having purchased) under convoy, carrying a supply of money, provisions, &c. He directed his course for Bomba, (a place about 60 miles to the eastward of Derne) where, as you will collect from the papers enclosed, he confidently expected to open a communication with the Bashaw and his followers. Such, sir, is the present situation of the business.

I am well aware that you will feel an anxiety to know my opinion with regard to the probable success of this co-operation; but until I have further intelligence and more

data to go by, it were improper even to hazard a conjecture. In perusing the letters from Mr. Eaton, and weighing the nature and consequences of certain measures in his contemplation, I must own that I have felt some uneasiness, arising out of a fear that he has taken a wider scope in his engagements to the Bashaw, than is compatible with the ideas and intentions of government, or with the authority vested in me, as relates to the subject of co-operation. I have stated this apprehension in a communication to Mr. Eaton, in which I have also explained in precise terms, my own ideas, and how far I conceived he might proceed without committing himself or the country. A copy of my letter will be found annexed. I feel confident that the sentiments there expressed, and the principles laid down, with respect to the plan in question, will meet your approbation.

From the concurring information, principally from persons well acquainted with the Bashaw, which I have recently received of his character and conduct, I confess that my hopes from a co-operation with him are less sanguine than they were. Perhaps, however, I may shortly have reason to raise my expectations to their former standard; but till something occurs to justify the belief that he possesses more courage, energy, and talent, than those who appear to know him well, give him credit for, it would be reprehensible to flatter myself or the government with prospects, which the result may disappoint. I am equally at a loss to calculate the effects of this co-operation upon the mind of the reigning Bashaw; a short time will throw light upon this interesting point. In the mean while I cannot conceal from you my candid opinion, that from the obstinacy hitherto evinced by Jussuf Bashaw, and the pertinacity of his character, not unmixed with bravery and other qualities belonging to a soldier, added to the natural advantages of his situation, the contest promises to be more arduous than was at first anticipated. Our co-operation with Hamet may, and in all probability will, induce him either to offer us terms at once; or, finding his dominions menaced and his life endangered, to put every thing to the

hazard of war. In the latter case we may naturally conclude that his resistance will not only be obstinate, but desperate. I look with anxiety for the return of the vessel which sailed a few days since for Tripoli, with supplies for the prisoners; she will undoubtedly bring important intelligence.

The ex-bashaw's secretary of state, whom you will find mentioned in Mr. Eaton's correspondence, returned in the *Argus* to join his master. He appeared to be a sensible, discreet old man; he brought me a letter from the Bashaw, a translation of which, with a copy of my answer, is attached to the accompanying papers.

Commodore Barron to William Eaton, Esq.

MALTA, APRIL 15, 1805.

SIR,

I HAD the honour of addressing you very fully on the 22d ult. by Capt. Hull; since when I have received no advices from the Barbary coast. It was not till the 12th instant that the Congress arrived here from Messina, with the field artillery, which captain Decatur experienced considerable delay and difficulty in procuring. It was my intention to have sent that frigate to the coast, but on making particular inquiry of a pilot well acquainted in that quarter, I find that the impracticability of approaching the shore with heavy vessels, renders the communication extremely uncertain and difficult. I have, therefore, thought it prudent to wave my original intention, and to despatch the *Nautilus* schooner, whose light draught of water will enable her to approach the coast with greater safety and advantage. Capt. Dent shapes his course for Bomba, where I calculate he will find you with the Bashaw and army, and where I hope he will have little difficulty in establishing an intercourse. He has on board his schooner two brass field pieces, with trains, powder, shot, &c. complete, which he is directed to deliver to your possession. I hope they will reach you safe, and have no doubt but they will be found extremely serviceable in the

progress of your operations. Nothing material has occurred since Capt. Hull's departure. The harbour of Tripoli remains closely blockaded. The President frigate sailed this day to reinforce the vessels already on that station. Capt. Dent is instructed, after delivering the artillery and stores, to return immediately to this port with despatches from you. You will readily imagine my anxiety to hear of your proceedings and prospects. I am respectfully, &c.

(Signed)

S. BARRON.

Extract of a Letter from William Eaton to Commodore Barron, dated Derne, April 29, 1806.

THE information I have the honour to forward of this date, stating, in abstract, occurrences since my last, will not disappoint the expectations my calculations there may have formed. Certain periods of your letter of the 22d ult. require a distinct and separate answer. This I shall do with candour.

It was understood when government came to a determination to try the effect of a co-operation with Hamet Bashaw, against the enemy, that provision would be made, adequate to the experiment; six field pieces, a thousand stand of arms, with suitable ammunition, and eighty thousand dollars, were asked for by Hamet Bashaw, while yet in possession of this province, and gaining ground against the usurper. The Secretary of the Navy informed me that the arms, ammunition and fifty thousand dollars would be furnished, and they were to have been put on board at Hampton Roads, while the squadron were getting ready for sea. Information arrived of the Bashaw having been driven from his post and retired to Egypt. In consequence of which it is to be presumed the supplies getting in readiness were withheld, as the success of the experiment then appeared very doubtful. The twenty thousand dollars deposited with the consul general at Algiers, to be applied to this service, cannot be supposed adequate to the purpose of bringing the Bashaw from his exile in Egypt, placing him in a situation to act against a rival, possessed of all

the resources of his kingdom, and carrying his plan of operations into effect, whatever may have been the dispositions of the people towards him. The twenty thousand dollars, therefore, could have been meant only to assist the research of the Bashaw, and the revival of his affairs, in case our plan should be thought feasible. Hence I think it is not presuming too far to conclude, that the unlimited discretion vested in the commander in chief, in regard to all the exigencies of the war, and particularly as it relates to the object in view, extends to every matter necessary to its accomplishment. The instructions to the Secretary of the Navy certainly cannot mean to tie him down to any limited applications.

The advantages calculated to result from the success of this measure have heretofore been stated, and thus far the experiment has not disappointed these calculations. We are in possession of the most valuable province of Tripoli; the high estimation the enemy places on this department of the kingdom is evidenced by the extraordinary efforts he has used to defend it, and by the menaces to which he has resorted to deter us from the operations here; his camp was only fourteen hours march from the place, when we seized it by assault. I am this evening informed they are retrograding, and only regret we have not the means of pursuing them. The expenses already incurred in this expedition will amount to nearly thirty thousand dollars; for thirteen thousand of which we are indebted to Messrs. Briggs and Brothers of Alexandria, eleven thousand have been received through the hands of captain Hull, including his advance and drafts in Egypt. I have disbursed nearly two thousand, and for the residue shall be indebted to individuals. This expense will not appear extravagant when it is considered that it covers all our expenditures in Egypt, where many sacrifices were necessary to pass the barriers of Turkish jealousy and avidity, in getting the Bashaw through that country; of furnishing horses, tents, arms and ammunition, preparatory to our entering the desert; of provisioning a thousand two hundred souls, and

about two hundred horses, in that barren desert, upwards of forty days, a distance of nearly five hundred miles, and of caravans for transporting these provisions the whole distance from Alexandria, and also the unavoidable expenditures in presents to chiefs, and payments to troops, in order to gain the one and avail ourselves of the services of the other.

MAY 1.

The situation, in which it is known Hamet Bashaw was found in Upper Egypt, must of itself suggest the idea, that he must be destitute of all means of moving a military expedition, except the attachment of his subjects. The possession of this province does not materially alter that situation. The general failure of the harvest, which the whole coast of Barbary experienced last season, together with the extraordinary tributes which Jussuf Bashaw has exacted to support the war, has rendered not only this, but every other part of Tripoli poor and oppressed, wholly destitute of contributing any thing very considerable to either of the rival brothers. This is a circumstance favourable to our measures, if we will go to the expense of profiting of it. No chief, whatever may be the attachment of his followers, can long support military operations without the means of subsisting and paying his troops. The observation is peculiarly applicable to the temper and circumstances of the Arabs of this country, who, in fact, form its real strength; who are poor, yet avaricious, and who, being accustomed to despotism, are generally indifferent about the name, or person, of their despot, provided he imposes no new burdens. Stronger proof of this cannot be brought, than the difficulty Jussuf Bashaw's camp has found in recruiting in its progress from Tripoli. It left there long since with about two hundred men.

I have, this morning, intercepted six letters from that camp, dated only four days since, signed by the commander in chief, the governour of Bengazi, and aid de camp, addressed to the governour of Derne, and to several chiefs or shicks, encouraging them to hope and perseverance, and

stating that their delay has only been occasioned by expectations of receiving reinforcements from the Arab tribes. They have increased their number only three hundred, though they have passed through that part of the country nearest, and most nearly attached to the enemy. Hamet Bashaw brought two thousand Arabs into the field on the 27th. This serves to shew the weight of money with these people, and as a pretty good criterion of the balance of influence between the two Bashaws. With the aids contemplated by government to have been furnished Hamet Bashaw, when in the position he now holds, I have no doubt but he may proceed to the walls of Tripoli. But while I offer this opinion, I cannot conceal my apprehensions, grounded on experience, that when arrived there, he could effect little, without more military talents and firmness, than exists either in himself or the hordes of Arabs who attach themselves to him. They are exactly what Volney describes of the camps of the Egyptian beys, rather a rabble than an army; and in our affair they have held safe positions to catch fugitives, until the doors of the enemy were opened for plunder, when they became at once brave and impetuous. If, therefore, the co-operation is to be pursued with him, and its direction is to be confided to me, it must be on conviction that detachments of regulars may be occasionally debarked from the squadron, or procured elsewhere, to aid and give effect to such operations as require energy. With the supplies asked for, provisions for our Christians, and with the firm front of one regular regiment, I believe it would not be presuming too far, to engage, in conjunction with the squadron, to force the enemy to take refuge in a sanctuary. But I confess, sir, there is one discouraging circumstance resulting from the declared views in affording auxiliaries to Hamet Bashaw. These aids are to be withdrawn at any period, when the enemy shall propose terms of peace which may be accepted by the agent of government on the spot. If Hamet Bashaw is to be used *solely* as an instrument to the attainment of an object exclusively to the advantage of the Unit-

ed States, without any consideration to his future existence, or well being, I cannot persuade myself, that any bond of patriotism dictates to me, the duty of having a chief agency, nor indeed any, in so extraordinary a sacrifice. Certainly the enemy will propose terms of peace with us, the moment he entertains serious apprehensions from his brother. This may happen at any stage of the war most likely to rid him of so dangerous a rival, and not only Hamet Bashaw, but every one acting with him, must inevitably fall victims to our economy. If we proceed no farther, it would seem incumbent on the honour of government, in the event of peace, at least to place Hamet Bashaw in a situation as eligible as that from which he has been drawn, out of the power of an incensed and vindictive enemy. Probably Jussuf Bashaw would agree to establish him in the government of this province and Bengazi, and to restore to him his family. He may perhaps be made satisfied with such an accommodation, and the United States experience from it many of the advantages calculated to result from carrying the original plan into execution, and consistently with both our honour and interest. At all events, I am deeply impressed with the opinion, that the post we have secured here should not be abandoned, nor terms of peace precipitately embraced; indeed it were to be wished that the effect of the success of a co-operation might be tried. It would very probably be a death blow to the Barbary system. Any accommodation savouring of relaxness would as probably be death to the navy, and a wound to the national honour. If it is determined either to proceed or hold a position here, further supplies of cash and provisions must immediately be sent to the coast.

From reasons which will suggest themselves from preceding observations, it would not be good policy in Hamet Bashaw to levy contributions during the contest with his brother, lest it should alienate his friends. On the contrary, he ought to be enabled to move with a liberal hand. Cash will do much with the inhabitants of this country; even those whom it will not engage to fight will by it be

engaged not to fight ; with it we can pass generally. But if here and there we find a walled town or a garrison impervious to its influence, cannon balls and bayonets come in as irresistible agents. The convention I have entered into with Hamet Bashaw may be useful in case he succeeds in getting repossession of his government, otherwise it can do no mischief, even if ratified, as will appear by the precaution in the second article.

Extract of a Letter from Commodore Samuel Barron to Tobias Lear, Esq. dated Malta, May 18, 1805.

THE recent despatches from Mr. Eaton have been communicated to you. From their tenour, and the knowledge I have within a short time obtained of certain features in the character of Sidi Hamet Bashaw, I must candidly own that I have no longer the same expectations which I once entertained of the success of the co-operation with him. His want of energy and military talents, his total deprivation of means and resources, the great expense already incurred, and the large sum which would be required, according to Mr. Eaton's statement, for pursuing the object, a sum far exceeding both the resources placed at my disposal, and the powers vested in me by my instructions, compel me to relinquish the plan. Indeed, on mature reflection, I am of opinion, that if the ex-basaw, having received this impulse from our strength, and being put into possession of Derne, the province where his interest is supposed to be the strongest, has not in himself sufficient energy, address, and courage, and cannot command sufficient means to move on with firm steps towards the usurper's residence, whilst we second his operations by sea, he must be considered no longer a fit subject for our support or co-operation. I am preparing to send provisions to the coast for the subsistence of the crews of the Argus brig and Nautilus schooner, which remain there at Mr. Eaton's request, and by the sloop Hornet which conveys them, I shall send such instructions to that gentleman, and the officers with him, as

further reflection, and the nature of your determination, on this letter, may dictate. Whatever may be the final result of this co-operation, I cannot reject the belief, that it has had a powerful effect upon the reigning Bashaw; and it may be fairly presumed that the gallant conduct of our friends in the affair at Derne, and the capture of that place, will have their influence, and dispose him to moderate his pretensions, and to think seriously of peace. The complaining condition of some of the ships of our squadron is not among the least important considerations of the present moment; three of the frigates are in such a state, as, in my opinion and in that of the commanders, renders them unfit to encounter the severity of another winter's blockade, without undergoing considerable repairs.

These facts and considerations, for the due appreciation of which you, sir, are fitted by your talents, and the length and particular line of your experience, seem to point out the present as auspicious beyond any former occasion, and indeed as the very moment for attempting a negotiation; especially, when we combine with these reflections the certainty that our force, respectable as it is, is yet greatly exaggerated at Tripoli, and consider the effect which such a view of the enemy, added to the movements of his brother, must have on the mind of Jussuf Bashaw. Strongly persuaded that your conclusions upon these points have anticipated my own, I am induced to state to you my earnest wish that you may deem it expedient to meet the overture lately made, through the Spanish consul, by his excellency, so far as to found on it the commencement of a negotiation. I cannot entirely suppress another motive, which I confess weighs painfully on my mind. I trust I feel as becomes an American, and that I know what an American ought to suffer, when the interests and honour of his country call on his fortitude. Were I deficient in these respects, or misled by unreflecting compassion, I am well assured that Capt. Bainbridge and his unfortunate comrades would be first in deprecating this deficiency. But I know the value of such a man as Capt. Bainbridge, and of his officers, and I am per-

suaded that I speak the language of our country, when I declare, that as they lost their liberty in her defence and her service, no reasonable and honourable occasion should be neglected, which affords a prospect of releasing them from the bondage of a bigoted and unfeeling tyrant.

In communicating these sentiments, you, sir, will do me the justice to believe, that I discard every idea of any real point of national honour or advantage being sacrificed to the attainment of their emancipation, weighing that honour and advantage by the practice of powerful nations; but I must contend that the liberty and perhaps the lives of so many valuable and estimable Americans ought not to be sacrificed to points of honour, taken in the abstract.—Should the event justify my hopes and expectations of your coincidence with me on this interesting subject, and you determine on going to Tripoli, captain Barron, commanding the Essex frigate, who is under sailing orders for the blockade, will be instructed to wait your arrangements and convey you thither.

I beg leave to add my assurances, that in case you determine on this step, sanguine as my expectations will be of the issue, I shall not relax in the smallest degree from hostile preparations, well aware that the best assistant, which an able negotiation can have, is an energetick display of force and means at the very moment as if peace were despaired of.

[COPY.] *Tobias Lear to Commodore Samuel Barron.*

MALTA, MAY 19, 1805.

I HAD the honour last evening to receive your letter of yesterday, on the subject of opening a negotiation with the Bashaw of Tripoli. Most sincerely do I lament the long and severe illness you have suffered, and under the effects of which you still labour; and I am fully persuaded that no consideration would lead you to relinquish the command vested in you by the government of our country, but a thorough conviction that your retaining it when unable to perform the duties inseparable from the station, would be in-

jurious to the cause in which we are engaged ; and I am also persuaded that when such conviction arises, all personal considerations will yield to your patriotism. I have maturely considered the several points mentioned in your letter, relative to a negotiation with the Bashaw of Tripoli ; and upon a view of my instructions from the government of the United States on that subject, I conceive it my duty to endeavour to open and bring to a happy issue a negotiation for peace, consistent with the tenour of these instructions, whenever the commander of our naval force, in this sea, shall judge that the occasion is proper and favourable ; as it is presumed that the Bashaw will be impressed by the aspect or operations of that force, and as this is in your opinion a proper occasion, I shall hold myself in readiness to proceed in a few days on that business, with captain Barron, in the United States frigate Essex, which you are so good as to say will wait my arrangements.

I presume, as captain Rodgers, who is your second in command, and who will of course take the command of the squadron if your health, as you apprehend, should compel you to relinquish it, is now off Tripoli, and may be possessed of some information relative to our affairs with that regency, which has not reached you, that he will be fully advised of the motives which have induced this measure, and instructed to give it all the facility which his judgment may suggest.

Although I cannot, sir, agree with you in opinion, that any impression favourable to us has been made on the mind of the Bashaw, from our co-operation with his brother thus far, excepting what may arise from the undaunted bravery and perseverance of the force of our countrymen at Derne, which will be to him a further proof of what we can do alone against him ; yet I am of opinion that as he has discovered a disposition to open a negotiation, we should embrace it, to see if such terms can be made as are admissible on our part, and to release our unfortunate countrymen out of his power, whose fate ought not to depend on small punctilios.

[COPY.] *Commodore Barron to Captain Hull of the Argus.*

MALTA, MAY 19, 1805.

YOUR several communications were received by the *Hornet*, which did not arrive here until the 16th, having met with head winds and heavy gales.

Your various information is under my particular attention. The state of my health, and my anxiety to despatch the sloop without loss of time, does not allow me to enter into lengthy observations. Nor is it indeed necessary. The letter I have written to Mr. Eaton, by this conveyance, and which he will communicate to you, will, no doubt, determine him and the officers to leave the coast, as a measure rendered necessary by existing circumstances, and especially by the intention of the consul general to open a negotiation with Jussuf, reigning Bashaw of Tripoli. You will, therefore, as soon as the requisite arrangements are made, return with the vessels under your command to Syracuse, to which place it is contemplated to transfer headquarters in the course of a few days. Lieutenant Evans is instructed to deliver the stores, which have been laden in the sloop, to you, to be distributed according to your discretion. You will understand those stores are intended for the use of the crews of the United States vessels, and the Christians under the command of Mr. Eaton.

Nothing material has occurred in our affairs since your departure. Mr. Evans will be able to inform you of every thing worthy of notice. I have likewise sent with Mr. Evans, two thousand dollars, (Spanish) in specie, which will serve to extinguish any individual engagements that you or Mr. Eaton may have contracted at Derne.

I look anxiously for further intelligence from Derne.

Commodore Barron to William Eaton, Esq.

MALTA, MAY 19, 1805.

SIR,

By the *Hornet* sloop, which arrived in this harbour on the 16th inst. (having had a tedious passage) I had the

honour of receiving your despatches of 29th ult. and 1st. instant, announcing the capture of Derne, after a contest, in which permit me to observe, that your conduct and that of your companions in arms will not discredit the character which our countrymen have established among the nations of Barbary. I have perused with deserved attention the arguments and reasons adduced in your letter of the 1st. on the subject of pursuing the co-operation with Sidi Hamet Bashaw. Being myself too weak for the exertion of letter writing, and my secretary writing with difficulty, owing to an inflammation in his eyes, it is impossible for me to enter into a lengthy reply, nor does it indeed appear necessary. The business is now arrived at that point, where, if the ex-bashaw, after being put in possession of Derne, his former government, and the district in which his interest is most powerful, has not in himself energy and talent, and is so destitute of means and resources, as not to be able to move on with successful progress, seconded by our naval force acting on the coast, he must be held as unworthy of further support, and the co-operation as a measure too expensive and burdensome, and too little pregnant with hope or advantage, to justify its further prosecution; for whatever, sir, may have been once the intentions of government on this subject, and whatever your ideas, touching those intentions, I feel that I have already gone to the full extent of my authority. The instructions from the navy department, on this particular point, with which you are not unacquainted, fall short of that unlimited discretion and power of application as relates to funds, insisted on in your letter, and are totally silent in regard to the quantity and description of supplies and stores, which you mention to have been in the contemplation of government to furnish to the Bashaw; hence you will be sensible, that, without taking a latitude that would involve me in a sum of responsibility, which it were the extreme of folly and rashness to encounter, I cannot proceed further. Independent of this consideration, it may not be improper to state, that I have not at my disposal

funds sufficient to meet the large sums, which, according to your calculation, would be required to pursue the plan with effect. With respect to any engagements to Sidi Hamet, I cannot consider them as binding or definite. We have, by our resources and your valour and enterprize, placed him at the post from which he was driven, when first he solicited the aid and support of our arms, and in the "most valuable province of Tripoli:" in performing which we have, I conceive, fulfilled every pledge, and that he can neither charge us with bad faith in our engagements, or with injustice to himself. His want of those qualities so essential in the character of a commander, and especially to a prince contending for his throne, is a serious obstacle to the advancement of his cause, not to be surmounted even by the existence and manly exertion of them, in those about his person. But it is what we had no reason to anticipate, and still less to suppose, that, when master of the finest province in his kingdom, where his influence is greatest and his adherents most numerous, his situation would not be materially altered, and himself as destitute of means to carry on the contest, as when he was brought from his exile in Egypt. In short, sir, the matter reduces itself to this: we are willing and ready to support the Bashaw, by a union of operations on the coast, so long as the war with Tripoli continues; but you will state explicitly to his excellency, that our supplies of money, arms, and provisions, are at an end, and that he must now depend on his own resources and exertions. This determination will suggest to you and your comrades that line of conduct most prudent to be adopted in the present posture of affairs. I have lost no time in despatching the *Hornet* with a supply of provisions, for the crews of the *Argus* and *Nautilus*, and the christians under your command, and I hope she will arrive in time to prevent your suffering from want.

I have now to acquaint you with an occurrence in our affairs, interesting in itself, and momentous as relates to your situation. In consequence of recent advices from Tripoli, I have thought it my duty to state to the consul

general. colonel Lear (now at this place) my candid opinion that the present is a moment highly favourable to treat for peace, and a communication has this moment been handed me from that gentleman, expressing his determination to meet the overture lately made by the reigning Bashaw, so far as to found on it the commencement of a negotiation, and to proceed to Tripoli in the Essex frigate, in the course of this week. From a variety of concurring circumstances, the present appears to be a period propitious to such a step, and I cannot help indulging sanguine hopes that a very short time will restore captain Bainbridge and his unfortunate companions to freedom and their country. It would be useless in me to say any thing on the effect which this measure must needs have on your situation and determinations; it is a measure which was anticipated in my letter to you by captain Hull, and as such, the intelligence of it will not, I presume, reach you unprepared. The interests of idi Hamet will not be overlooked. It is with colonel Lear's express sanction that I state to you his intention to endeavour at stipulating some conditions for the unfortunate exile, provided this can be done without any considerable sacrifice of national advantage on our part, and without giving up points that are essential.

I have sent by lieutenant Evans 2000 Spanish dollars, which he is directed to deliver to you or captain Hull. This sum will serve to extinguish any little engagements you may have contracted at Derne.

I am extremely anxious for further intelligence from you, and remain, with much respect, &c.

(Signed)

S. BARRON.

Extract of a Letter from Robert Denison, Secretary to the Commander of the Mediterranean Squadron, to the Secretary of the Navy, dated Malta, May 22, 1805.

It appears, by a variety of letters which have been received, that the Bashaw is seriously disposed and earnestly desirous for peace with the United States, and what confirms this idea beyond all doubt is the receipt, by Col.

Lear, of a letter, written at the express solicitation of the Bey, by the Spanish consul, with overtures for opening a negotiation, and accompanying a teschera or passport, under the Bey's seal, guaranteeing the inviolability of any person or persons sent to Tripoli to treat of peace. These direct evidences of a pacifick disposition in the Bashaw were a few days ago prefaced by a communication to commodore Barron from Mr. Nissen, the Danish consul, written at the desire of the minister Sidi Mahomet Doghies, expressing the minister's sincere and earnest wish for the re-establishment of peace, and recommending that a person should be sent over immediately to commence a negotiation. In consequence of these repeated and unequivocal manifestations of a disposition, on the part of the enemy, to accommodate differences, the commander in chief thought it his duty officially to communicate to the consul general his opinion, that the present moment is favourable for opening a negotiation, and the latter having expressed his coincidence therewith, the measure has been agreed upon, and colonel Lear is making arrangements to proceed on board the Essex frigate, to the coast of Tripoli, in the course of two or three days. Commodore Barron entertains the most sanguine hopes of the happy issue of this measure, and anticipates, with not less confidence than pleasure, the speedy emancipation of captain Bainbridge and his suffering companions. I think it is not hazarding too much to say, there is scarcely a doubt but the business will be honourably and satisfactorily terminated in less than a fortnight.

Article 3d of the preliminary articles of a treaty of peace to be entered into between the President and citizens of the United States of America, on one part, and the Bashaw, Bey, and subjects of Tripoli, in Barbary, on the other part.....

UPON the conclusion of a peace, as aforesaid, between the United States and the regency of Tripoli, all the forces of the United States which have been, and may be, in hostility against the Bashaw of Tripoli, in the province of

Derne, or elsewhere, within the dominions of the said Bashaw, shall be withdrawn therefrom, and no supplies shall be given by, or in behalf of the said United States, during the continuance of the peace aforesaid, to any of the subjects of the said Bashaw, who may be in hostility against him; in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who is co-operated with them at Derne, &c. to withdraw from the territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

(Signed)

TOBIAS LEAR,

*Commissioner in behalf of the U. States for
negotiating a peace with his excellency
the Bashaw of Tripoli.*

EXTRACTS.

Colonel Lear to William Eaton, Esq.

TRIPOLI, JUNE 6, 1805.

IN consequence of a representation made to me by commodore Barron, that the present was a favourable moment for us to enter into a negotiation with the Bashaw of Tripoli, and my instructions leaving it to the commander of our forces in this sea to determine the proper time for such an attempt, I repaired off this place on the 26th ultimo, in the United States frigate Essex, and immediately opened a communication with the Bashaw. His demands were \$200,000 for peace and ransom, and the delivery on our part of all the Tripolines in our possession, and a restoration of all their property. These terms were at once rejected *in toto*; and after some discussion, I proposed, as the ultimatum, that a mutual delivery of prisoners should take place, and as he had a balance of more than 200 in his favour, I would give him 60,000 dollars for them; but not a cent for peace, which should be made on terms of the most favoured nation with whom he has a treaty, and a

regulation respecting prisoners, if a future war should take place between our nations; and in order to prevent any fruitless altercation, I declared I would not go on there to complete the business until these terms were formally acceded to. The weather proving bad for the season, obliged our vessels to keep off, and prevented a regular communication with the shore, which prevented the completion of the preliminaries until the 3d instant, when they were sent off to me with the Bashaw's seal. I immediately went on shore, and in twenty-four hours all the officers and crew of the late frigate Philadelphia were sent on board the ships.

I found that the heroick bravery of our few countrymen at Derne, and the idea that we had a large force and immense supplies at that place, had made a deep impression on the Bashaw. I kept up that idea, and endeavoured from thence to make an arrangement favourable to his brother, who, although not found to be the man whom many had supposed, was yet entitled to some consideration from us. But I found that this was impracticable, and that if persisted in, would drive him to measures which might prove fatal to our countrymen in his power. I therefore engaged, of course, that on the conclusion of peace, we should withdraw all our forces and supplies from Derne, and other parts of his dominions; and the Bashaw engages, that if his brother withdraws himself quietly from his dominions, his wife and family should be restored to him. This is all that could be done, and I have no doubt the United States will, if deserving, place him in a situation as eligible as that in which he was found.

TRANSLATED.

Copy of a Letter from Hamet Bashaw Caramalli to his friend and brother William Eaton, late General and Commander in Chief of our allied forces in our kingdom of Tripoli.

“ WITHOUT placing in view the misfortunes which so long pursued me, I cannot forbear expressing to you, at this

moment of our final separation, the deep sense of gratitude I feel for your generous and manly exertions in my behalf. Be assured, that in whatever situation the will of God shall place me, I shall always bear this impression of gratitude on my heart.

On returning to your happy country, to which I wish you a safe passage, I request you will express to your sovereign, my cordial thanks for his manifestations of friendship towards me. Had it been ordained, that measures might have been carried forward to the attainment of my wishes, the restoration of my rightful dominions to me, it would certainly have been cause of eternal gratitude. But it is true, my own means were small. I know indeed they did not answer your reasonable expectations. And this, I am ready to admit, is a good reason why you should not choose to persevere in an enterprize hazardous in itself, and perhaps doubtful in its issue. I ought, therefore, to say, that I am satisfied with all your nation has done concerning me. I submit to the will of God; and thank the king of America, and all his servants, for their kind dispositions towards me. Situated as I am, you must still allow me to ask another expression of your friendship. You tell me that in your treaty with Jussuf Bashaw, my perfidious brother, he has promised to restore to me my family. I pray you will use your influence with your admiral, to permit one of your vessels to go and ask for them, and that he will give me the means of repairing, with some small assistance to enable me to subsist myself, and suite, into some country where I may hope to spend the residue of my days in peace.

Again I repeat to you my love and esteem, and I send honour and long life to your sovereign, which may the merciful God confirm to him.

Done at Syracuse, the 29th day of June, 1805.

[*Hamel's Seal.*]

William Eaton to Commodore Rodgers.

SYRACUSE, JUNE 30, 1805.

I HAVE been yesterday and to-day occupied with the proceedings and records of the court of inquiry on captain Bainbridge, which is the reason I did not wait on you on board yesterday morning.

Enclosed is a copy, by translation, of a letter Hamet Bashaw has written me, date 29th. This I think is enough to do away any insinuations concerning our intercourse with this prince, injurious to the honour of the United States. He tells me he shall write to the same effect to the President.

To-morrow morning I will do myself the honour to wait on you with a statement of the pay due the troops, who served with me through the desert of Derne.

To the people of the United States of America.

IT is known to the whole world that the reigning Bashaw of Tripoli, Jussuf, obtained the throne by the murder of our father and elder brother, and by my exile, who came next in succession. Driven by his impious and cruel usurpation, I took refuge in Egypt, where I was kindly received by the Mameluke beys, who gave me a distinguished rank in the military service. Reposing in the security of peace, I had ceased to repine for the loss of my throne, and regretted only the lot of my unhappy subjects, doomed to the yoke of my cruel and tyrannical brother.

It was at this epoch, that the arrival of General Eaton gave me hopes of better fortune; and though I could not tell what were his powers, I trusted to the faith of a great people, of whom he was the ostensible representative, and threw myself into his arms. We concluded a treaty at Alexandria, a copy of which is among the papers of commodore Barron, in the custody of his secretary Mr. Robert Denison. This treaty not only stipulates the recovery of the throne for me, but also includes several advantageous

articles for the United States, for which Gen. Eaton will be my voucher. Ought I then to suppose that the engagements of an American agent would be disputed by his constituent government? I cannot suppose that a gentleman has pledged towards me the honour of his country on purpose to deceive me.

General Eaton and myself, with our joint followers, had already advanced six hundred miles into the kingdom of Tripoli, and a general defection had seized my brother's army, and all things prepared the protected of America to be hailed sovereign of his usurped throne. At this juncture a peace is concluded, in which a throne, acquired by rapine and murder, is guaranteed to its usurper, and I, the rightful sovereign, the friend and ally of America, am left unprovided for. No article in my favour, no provision for me and my family, and no remuneration for the advantages I had forgone in trusting to American honour. I am left in Syracuse with thirty dependents, on the pittance of two hundred dollars per month, and no prospect of future establishment. What with the expenses of my retinue, &c. &c. I, a sovereign prince, am now reduced to the pension of 150 cents per day.

I must here observe, that Mr. Eaton, whose generosity I cannot sufficiently praise, has assisted me from his own finances, else hard indeed had been my lot.

When the prevalence of ages has accustomed men to the government of one, the right of a throne enters into the system of human thoughts, and that usage must have its rights like others.

In this situation, I appeal to the virtue, generosity, and candour of the people and government of America. I trust that a brave and free nation will interest itself in behalf of a fallen prince, who has trusted to its national honour and good faith. I trust the government will take my case into consideration, and at least send me back to Egypt, indemnified for those comforts lost by uniting my fortune to theirs : and I am confident the American people will feel

for the misfortunes of one, who has fought in the united cause of their interest, and his own right.

(Signed)

HAMET BASHAW,

Son of Ali Bashaw Caramalli, of Tripoli.

[L. s.]

Syracuse, Sept. 1, 1805.

[COPY.] *Mr. Eaton to the Secretary of the Navy.*

WASHINGTON CITY, DEC. 5, 1805.

SIR,

COMMODORE BARRON'S instructions to captain Hull, of September 15, 1804, and my convention with Hamet Bashaw, of February 23, 1805, comprise all the obligations entered into with Hamet. Copies of both, which are in the offices, as are also the correspondences resulting therefrom. By perusing the Bashaw's letters from Syracuse, and by reviewing the transactions to which they refer, I cannot find that any additional observations of mine can throw more light on our transactions. It is impossible for me to undertake to say that the Bashaw has not been deceived. Nor can I, by any shape in which the subject can be viewed, reconcile the manner of his being abandoned, with those principles of national justice and honour which have hitherto marked our character. The term *co-operation*, I always considered so nearly synonymous with *alliance*, that it would require the nicest distinction of diplomatic skill to discriminate the meaning; and hence supposed that an engagement to *co-operate* with Hamet Bashaw excluded the idea of using him as an *instrument*. This construction was the more readily admitted in this case, because until after we had proceeded far in the co-operation, I never heard a syllable of peace, neither from the President, nor from yourself, nor from the commander in chief, which did not look forward beyond an effort to chastise the enemy, and because I always felt a confidence, that such an effort, well conducted, would dethrone him. I really can offer no explanations on the subject, which are not to be found in my official communications, except a cir-

circumstance which I am aware modesty should conceal, but which was calculated at all events to save the honour and the interests of the United States harmless. On entering the ground of war with Hamet Bashaw, Mr. O'Bannon, and myself united in a resolution to perish with him before the walls of Tripoli, or to triumph with him within those walls. In the former event we should have acquitted our duty; in the latter glorified our country. We were supported by similar resolutions on the part of commanders in the squadron, and to encourage Hamet Bashaw to perseverance, and in order to move understandingly with him, I induced the convention with him, which has been made the base of our treaty with his rival.

I have the honour to be, &c. &c.

(Signed)

WM. EATON.

Letter from Achmet Bashaw to the President of the United States.

EXCELLENCE,

For nearly eleven years, I have been labouring under the weight of misfortune; but, notwithstanding which, my distress was never equal to that which the actual combination of circumstances has made it.

My residence was near Cairo, when there arrived in Alexandria, a brig, commanded by captain Hull, in company with general Eaton, who came recommended to Mr. Briggs, H. B. M. consul, and inquired of him where I could be found. My place of abode being made known, a courier was despatched for Cairo, by order of the general, and on his arrival at Razid a second one, which came to Cairo, directed to the house of Tursuf Bashaw, an officer of the Ottoman Porte, who received a letter in which he was requested to suffer me to pass without interruption, in order that I might co-operate with the Americans to take Tripoli. These things being communicated to me, caused me to reflect seriously, whether they could be true or not. All doubts were dissipated by general Eaton meeting in Cairo, my secretary, named Mahumed Mezaluna, to whom he

consigned another paper, and in company with two Maltese, arrived at Said, my place of residence, and delivered to me a despatch, urging me to leave that place immediately, in order that we might have a meeting (as really happened) in the city of Damintur, where the general was made known to me, as one who had been sent thither by your excellency for the conquest of the kingdom of Tripoli. I engaged to go with him to Syracuse, and also to keep myself secret, from which circumstance, I was necessarily compelled to abandon all I possessed, and thus lose my horses, camels, &c. Previous to my leaving Damintur, general Eaton assured me the peace would never be made, unless I was placed in my *own seat* (throne) and often swore by himself, that he would never take me from where I was for the sole purpose of making the conquest.

I did not, however, fail to suggest to the general, that in case Jussuf Bashaw should actually remain conqueror, what part he would take in my favour, as I should not be able to remain any longer in the Turkish dominions. I was answered, if the combinations of war should prove favourable to Jussuf Bashaw, that a pension would be granted me, sufficient to maintain my family and suite; the people and money demanded by me, to effect this object (for such a movement) were ready; and that I had better expedite my secretary to captain Hull, to inform him, that the general had come to conduct me from Upper Egypt to Syracuse, but that I could not trust myself at sea, in the manner he had. My envoy having executed his commission, arrived first in Syracuse, and afterwards in Malta, in consequence of the absence of captain Hull from the first (place) and whom he afterwards found in the second place (Malta) and executed his embassy: he was answered by the same (Hull) that every thing I could possibly want was ready, and in fact, there was sent me a vessel, laden with supplies and provisions, accompanied by the brig commanded by captain Hull, which arrived at Bomba, delivering to the general and myself a despatch (to him directed) from the commodore, in which he renders Hull responsible

for every thing I might want: I then asked for cannon, powder, and other warlike supplies, and was answered that a frigate was hourly expected, and that they would be sent to me. I afterwards left Bomba, in company with general Eaton, and we pursued our route towards Derne, arriving near it in twelve hours. Such a voyage made me extremely happy, as well as all my people, while the manner in which we were treated by the general, excited universal admiration; his dignified soul (conduct) merits applause. We were scarcely on the twelfth hour of our voyage, when we saw a schooner, which brought us two pieces of cannon, and nothing more. After an attack of two hours, in which all the troops applaud and admire the courage of general Eaton, Derne was taken (as the people of that country were much in our favour) and in which attack the general was wounded in the hand.

After the capture of the city, we received from the chiefs of the brigands, letters offering to join us. After ten days a troop of cavalry and infantry (of the enemy) advanced; they were twice broken and put to flight by us. We now asked from the schooner, which had been sent us, people and arms, while there remained a respite and peace, and were waiting an answer, respecting our demand for people and arms, in order that we might go and take Bergaza and Tripoli; in the mean time arrived a frigate which we supposed had brought us people, but she landed a Turkish ambassador from Jussuf Bashaw, who informed the general of the alliance of Jussuf Bashaw with your excellency; saying that the said Bashaw would restore my family, and that your excellency would give me in the name of the United States a pension. The same evening of the arrival of the frigate, the general informed me, that I must embark with all my people; and thus was again compelled to abandon all I possessed—the general having prevented the Turkish ambassador from landing, and thus we parted for Syracuse, where we found the whole squadron.

I daily expected my family, when finally I was told that he (the Bashaw) would not let them go; having thus broken

his word, I demanded of the general, to be replaced in my own country, which was also denied me, saying that he had no orders to that effect from your excellency, and it is thus I find myself in this country, with the small pension of two hundred dollars per month, and on which sum I am to support myself with a number of people. Such a state of things makes me feel that the weight of misfortune has only increased; and for the first time am completely abandoned, and by a great nation; I therefore fling myself on the mercy of your excellency, who under the influence of just laws, will not fail to render me that justice which oppression and misfortune entitle me to.

With the hope of an early reply from your excellency, I remain, &c. &c. &c.

(Signed)

ACHMET BASHAW,

Son of Ali Bashaw, &c. &c.

Syracuse, August 5, 1805.

*His Excellency the President of the
United States of America.*

MEMORIAL

OF THE MERCHANTS AND TRADERS OF THE CITY OF PHILADELPHIA, JAN. 16, 1806.

To the President of the United States, and the Senate and House of Representatives of the United States of America, in Congress assembled.

AT a moment of distress, and in a season of solicitude, resulting from a novel and peculiar affection of the commercial interests of their country, your memorialists, as composing a great proportion of that interest, in one of the principal commercial cities of the United States, submit to you the following considerations:

Under the influence of a form of government, calculated

to inspire confidence in the security of our acquisitions, and with a reliance upon the authority of the nation for protection and support in all lawful enterprise, the commerce of the country has increased in a manner almost unparalleled; and has widely extended a spirit of enterprise, which has added to the stock of private wealth, and enriched the treasury of the nation.

By the existence of war in Europe, and our neutral standing with the belligerents, our commerce was naturally and necessarily favoured and flourishing. Conducted upon fair and honourable principles, our trade wanted no privilege but the just privilege of its neutral character, and it needed no favour but that which had been yielded by the universal consent of civilized nations. But this privilege, we conceive, has been denied to us, and a jealousy of our enterprise and prosperity has excited a design of checking the commercial growth of our country, the fruit of which has been an attempt to innovate upon ancient and approved principles, and to introduce unheard of articles and provisions into the code of publick law. Of this design, of its origin and extent, your memorialists are not left in doubt, when they consider the course and nature of the spoliations which have been committed on the American commerce.

For a time, your memorialists were disposed to regard the violence committed on the vessels and merchandize of the citizens of the United States as the unauthorized acts of lawless individuals; for the fact was well known, that many French and Spanish cruisers were on the ocean, without legal commissions, who seized without authority, and robbed without even the form of a trial. They were aware that many instances of violated right were within the knowledge of the government; and anticipated the adoption of measures calculated to put a stop to the growing mischief. They, moreover, reflected, that during a war between powerful maritime states, it is the unavoidable lot of the neutral to incur loss and suffer inconvenience, even from a fair exercise of the rights of the belligerent; and to be exposed to imposition and outrage, practised

sometimes with the colour of authority, and sometimes in despite of both law and humanity. Resting, however with confidence, upon the protection which they regarded their government as bound to afford to the fair and lawful trader, they submitted to the present inconvenience, and referred themselves to that protecting principle, and to the integrity of the superiour tribunals before which the seizures of their property would be finally considered, as the sureties of a certain, though distant retribution.

It becomes your memorialists to state, that the pressure of those evils has greatly increased, and that others of even superiour magnitude, have arisen, which assume a most alarming and distressing form. What were considered as irregularities unsusceptible of prevention, have, by continuance and success, strengthened into regular and systematic plunder. What were regarded as mischiefs incident to a state of war, temporary, though not remediless, are vindicated upon the ground of right, and their practice is reiterated under the authority of government, and receives the solemn sanction of the law. They, moreover, foresee, in the prevalence of the principles, and in the continuance of the practices alluded to, nothing but the ruin of individuals, the destruction of their commerce, and the degradation of their country.

Could the judgment, or even the charity, of your memorialists see, in the new doctrines of the British court nothing but the revival and enforcement of an ancient and established principle, which friendship had relaxed, or favour permitted to slumber, they might regret the departed good, but could impute no injustice to the hand that withdrew it. They are struck, however, with the novelty of these doctrines; their unequivocal hostility to neutral interest and rights; their inconsistency with former declarations of their ministry and decisions of their courts, and with the extraordinary time and manner of their annunciation.

In the reflection that the great code of the laws of nations presents a system of reason and right, approved by the

unimpassioned and disinterested judgment of the civilized world, neither tempering its provisions to the wants or demands of an imperious belligerent, nor yet giving aid to the crooked subtleties of unfaithful neutrality, your memorialists have conceived the rights of their nation, as a neutral, to stand upon unchangeable ground. These rights they cannot but believe, extend to a free and uninterrupted commerce, with their own goods, in their own vessels, with other neutrals, if admitted by their laws, or with the belligerents themselves, subject to the received regulations relating to blockade, and to articles contraband of war. The established restrictions on the points just mentioned, with the right of examination and search, have been reasonably considered as giving to the belligerent the most ample security against the infidelity or cupidity which would lend a covert assistance to his antagonist. The policy and interested views of a single state may call for severities against neutral commerce, which are neither commanded of right, nor sanctioned by usage; but the principles of publick law cannot vary with the purposes of the politick, nor shift with the designs of the interested. That policy, not justice—that interest, not fair and admitted precedent, have given birth to the principle, that neutrals should be restricted to the same commerce with a belligerent, which was allowed to them by that power in a time of peace, is conceived by your memorialists to be true. Incompatible with the general freedom of neutral commerce, this rule has the sanction of no common observance by civilized nations, and cannot bear that faithful test which every fair and righteous principle of the law of nations will abide. Against the soundness of the principle itself, it is also to be observed, that its advocates, instead of tracing its currency from age to age, point to the war of 1756, as the era of its discovery; and instead of stamping its validity by the concurrence of the civilized world, indicates its fallibility by a laboured detail of their own relaxation and contraction of the rule.

The effect of this novel principle upon neutral interests

is of the most serious and alarming character. It goes to nothing short of the destruction of neutral commerce, and from the well known neutral situation and character of the United States, to nothing short of inflicting a most deep and deadly wound upon their trade.

But your memorialists cannot but consider, that this principle has not the weight of a consistent and uniform support by the government which professes to uphold it. In 1801, the declarations of its ministry and the decisions of its courts were unequivocally, "that the produce of the colonies of the enemy may be imported by a neutral into his own country, and be re-exported from thence, even to the mother country of such colony;" and also, "that landing the goods, and paying the duties in the neutral country, breaks the continuity of the voyage, and is such an importation as legalizes the trade, although the goods be reshiped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale, to the mother country." In 1805, it is decided, that landing and paying duties, does not break the continuity of the voyage, and that the course of trade pointed out to the neutral, four years before, as legal and safe, is now unsatisfactory to the belligerent, and attended, infallibly, with confiscation. What clear and immutable principle of the laws of nations can that be, your memorialists would ask, which is supported by the high court of admiralty, and avowed by the ministry in 1801, and which is prostrated by the ministry and the high court of appeals, in 1805? Such a principle must be considered as partaking rather of the shifting character of convenience, than of that of permanent right and established law.

The time and manner of announcing it, accord with the principle itself. At a moment when mercantile enterprise, confiding in the explanations on this point given by the British ministry to our ambassador, was strained to the utmost, a new decision of the court of appeals is announced, and every sail is stretched to collect the unwary Americans, who are unsuspectingly confiding in what was the law of nations.

After this view of the principle itself, your memorialists would state, that it has received a vigorous and active enforcement. Under this pretence, many American vessels, with cargoes unquestionably American, have been carried into the ports of Great Britain, charged with a departure from neutral character in this important particular. Some have, indeed, been liberated, after long delay, and with great expense ; but many are still detained, without a clear understanding of the precise grounds of detention.

On this interesting point, your memorialists refer themselves with confidence, to the wisdom and the honour of their government. In the principles they have here submitted to your consideration, they feel all the confidence of justice, and all the tenacity of truth. To surrender them, they conceive, would derogate from the national character and independence of the United States. From the justice of government they hope for there avowal ; from the spirit of government, they hope for their defence, and from the blessing of heaven, they hope for their establishment.

The attention of government is also solicited by your memorialists, to other embarrassments of their commerce, and to inconveniences deeply affecting the trading interest of the United States, in a different quarter. With a forbearance seldom exercised under like circumstances, the merchants of this country have expected retribution for the injuries imposed upon them by another nation. Instead of receiving this retribution, fresh injuries have been inflicted ; and even during the existence of the present war, adjudications, which outrage every principle of justice, have passed in the courts of Spain, on American property. From the government of that country, between whom and the United States there exists a treaty of friendship and commerce, we had the right to expect, within her ports and jurisdiction, perfect safety and protection. Instead of receiving them, it is too notorious that we have experienced, from the officers of that government, when applied to, the most mortifying inattention ; and that in entire derogation of our treaty, we have been the pointed objects of their neglect

and injustice. The severity of this case is increased by the consideration that at the time of its occurrence, the very country at whose hands this injustice has been experienced, stood indebted to us for supplies essential to subsistence, and for giving currency and value to its products. Under this head, it deserves also to be mentioned, as a point not beneath the notice of government, that in our own ports, and under your own eyes, publick officers of that nation have had the confidence to extort from our merchants, fees and emoluments unprecedented and unreasonable.

In detailing the general distresses of our commerce, your memorialists must also remark, that the license of pirates and plunderers in the West Indies, has become almost unbounded ; and that the defenceless and unprotected state of our shipping, exposes it to the most outrageous ravages of the daring and unprincipled. That our seamen should be exposed to the meanest insults, and most wanton cruelties, and the fruits of our industry and enterprise fall a prey to the profligate, cannot but excite both feeling and indignation, and call loudly for the aid and protection of government. That a belligerent power should depart from the common and accustomed course of examining the ships of the neutral, on the high seas, as chance or vigilance should give the opportunity of search, and should station its vessels of war at the entrance of our ports and harbours, to scrutinize every thing that enters or departs, must also be regarded as attaching reproach to the fairness of our neutral conduct, and is by no means compatible with our dignity or our rights.

Since your memorialists have directed their attention to government on the subjects herein submitted, they have seen with astonishment a proclamation, issued by General Ferrand, an officer of the French government commanding at the city of St. Domingo, in the island of Hispaniola, which they regard as declaratory of the most outrageous and hostile intentions. As an act of an authorized agent (an officer of government) it is considered as without a parallel. Taken in its obvious extent, it gives authority to

vessels in French commission to carry in all Americans they meet with, because the terms of the proclamation are so indefinite, as to leave every thing to the discretion of the cruiser. Experience has too fatally proved, that property once taken into their ports, is irretrievably lost.

If this proclamation have issued under the authority of the French nation, it can only be considered as a declaration of war. If it be ultimately disavowed by the government of this agent, it must be at a distant point of time, when mischiefs great and ruinous may have been done under its authority. It is to prevent these mischiefs that your memorialists solicit the attention of government, and respectfully suggest, that this extraordinary measure might be speedily counteracted by our national force.

Under the pressure of this state of things, your memorialists have thought proper, freely to make known to their government the injuries sustained and apprehended by the commercial interest of the country. They feel themselves bound to address to you their firm persuasion, that the amount of losses sustained by the merchants of the United States, from unlawful depredations, would, of itself, be sufficient to defray the expense of an armament adequate to the protection of their commerce. As citizens, they claim protection ; and they conceive that the claim is enforced by the consideration, that from their industry and enterprise is collected a revenue which no nation has been able to equal, without a correspondent expense for the protection of the means.

After this fair and candid statement of the distress and exposure of the commerce of the United States, your memorialists cannot but feel and express extreme solicitude for the possible event. In perfect confidence that their foreign commerce was sheltered not only by the law of nations, but by existing treaties, with some of the belligerents, and by the explanations given to the publick law by another, they have extended it to every sea, with no other security than a reliance upon those treaties and explanations. It is, of course, defenceless, and liable to arrestation by the most inconsiderable force. It may then be na-

turally supposed, that your memorialists look, with anxiety, to the remedies which may be applied to these pressing evils. To preserve peace with all nations, is admitted, without reserve, to be both the interest and the policy of the United States. They, therefore, presume to suggest, that every measure, not inconsistent with the honour of the nation, by which the great objects of redress and security may be attained, should first be used. If such measures prove ineffectual, whatever may be the sacrifice, on their part, it will be met with submission. But whatever measures may be pursued by their government, your memorialists express their firmest faith that every caution will be used to preserve private property and mercantile credit from violation.

With these observations, submitted with deference and respect to the President and representative body, it remains only to add the hope of your memorialists, that on subjects of such deep and extensive concern, such measures will be adopted as consist with the honour and interest of the United States.

THOMAS FITZSIMONS, *Chairman.*

R. E. HOBART, *Secretary.*

Committee—John Craig, James Yard, Jacob Gerard Koch, Joseph Sims, Thomas W. Francis, Thomas English, Robert Ralston, Joseph S. Lewis, William Montgomery, Abraham Kintzing, Philip Nicklin, Thomas Allibone, George Latimer, Chandler Price, L. Clapier, Daniel W. Coxe, Robert Waln, Manuel Eyre.

MESSAGE

FROM THE PRESIDENT OF THE UNITED STATES, TO THE
SENATE AND HOUSE OF REPRESENTATIVES OF THE
UNITED STATES, JAN. 17, 1806.

IN my message to both houses of Congress, at the opening of their present session, I submitted to their attention,

among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations.

The memorials of several bodies of merchants of the United States are now communicated, and will develop these principles and practices, which are producing the most ruinous effects on our lawful commerce and navigation.

The right of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports, and contraband of war) was believed to have been decided between Great Britain and the United States, by the sentence of their commissioners, mutually appointed to decide on that and other questions of difference between the two nations; and by the actual payment of the damages awarded by them against Great Britain for the infractions of that right. When, therefore, it was perceived that the same principle was revived, with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the United States at the court of London, and remonstrances duly made by him, on this subject, as will appear by documents transmitted herewith. These were followed by a partial and temporary suspension only, without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason, and to insist on rights too evident and too important to be surrendered. In the mean time, the evil is proceeding under adjudications founded on the principle which is denied. Under these circumstances the subject presents itself for the consideration of Congress.

On the impressment of our seamen, our remonstrances have never been intermitted. A hope existed at one moment, of an arrangement which might have been submitted to; but it soon passed away, and the practice, though re-

laxed at times in the distant seas, has been constantly pursued in those in our neighbourhood. The grounds on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London, now communicated.

TH : JEFFERSON.

January 17, 1806.

Extract of a Letter from the Secretary of State to James Monroe, Esq. dated Department of State, April 12, 1805.

“ THE papers herewith enclosed explain particularly the case of the brig Aurora.

The sum of the case is, that while Spain was at war with Great Britain, this vessel, owned by a citizen of the United States, brought a cargo of Spanish produce, purchased at the Havana, from that place to Charleston, where the cargo was landed, except an insignificant portion of it, and the duties paid, or secured, according to law, in like manner as they are required to be paid, or secured, on a like cargo, from whatever port, meant for home consumption ; that the cargo remained on land about three weeks, when it was reshipped for Barcelona, in Old Spain, and the duties drawn back, with a deduction of three and a half per cent. as is permitted to imported articles in all cases, at any time within one year, under certain regulations, which were pursued in this case ; that the vessel was taken on her voyage by a British cruiser, and sent for trial to Newfoundland, where the cargo was condemned by the court of vice-admiralty ; and that the cause was carried thence, by appeal, to Great Britain, where it was apprehended that the sentence below would not be reversed.

The ground of this sentence was, and that of its confirmation, if such be the result, must be, that the trade in which the vessel was engaged was unlawful, and this unlawfulness must rest, first, on the general principle assumed by Great Britain, that a trade from a colony to its parent country, being a trade not permitted to other nations in time of peace, cannot be made lawful to them in time of

war; secondly, on the allegation that the continuity of the voyage from the Havana to Barcelona was not broken by landing the cargo in the United States, paying the duties thereon, and thus fulfilling the legal prerequisites to a home consumption; and, therefore, that the cargo was subject to condemnation, even under the British regulation of January, 1798, which so far relaxes the general principle as to allow a direct trade between a belligerent colony, and a neutral country carrying on such a trade.

With respect to the general principle which disallows to neutral nations, in time of war, a trade not allowed to them in time of peace, it may be observed—

First, That the principle is of modern date; that it is maintained, as is believed, by no other nation but Great Britain; and that it was assumed by her under the auspices of a maritime ascendancy, which rendered such a principle subservient to her particular interest. The history of her regulations on this subject, shews that they have been constantly modified under the influence of that consideration. The course of these modifications will be seen in an appendix to the fourth volume of Robinson's Admiralty Reports.

Secondly, That the principle is manifestly contrary to the general interest of commercial nations, as well as to the law of nations settled by the most approved authorities, which recognises no restraints on the trade of nations not at war, with nations at war, other than that it shall be impartial between the latter, that it shall not extend to certain military articles, nor to the transportation of persons in military service, nor to places actually blockaded or besieged.

Thirdly, That the principle is the more contrary to reason and to right, inasmuch as the admission of neutrals into a colonial trade shut against them in times of peace, may, and often does, result from considerations which open to neutrals direct channels of trade with the parent state, shut to them in times of peace, the legality of which latter

relaxation is not known to have been contested ; and inasmuch as a commerce may be, and frequently is opened in time of war, between a colony and other countries, from considerations which are not incident to the war, and which would produce the same effect in a time of peace ; such, for example, as a failure or diminution of the ordinary sources of necessary supplies, or new turns in the course of profitable interchanges.

Fourthly, That it is not only contrary to the principles and practice of other nations, but to the practice of Great Britain herself. It is well known to be her invariable practice in time of war, by relaxations in her navigation laws, to admit neutrals to trade in channels forbidden to them in times of peace ; and particularly to open her colonial trade both to neutral vessels and supplies, to which it is shut in times of peace : and that one at least of her objects, in these relaxations, is to give to her trade an immunity from capture, to which in her own hands it would be subjected by the war.

Fifthly, the practice which has prevailed in the British dominions, sanctioned by orders of council and an act of parliament, [39 G. 3. c. 98.] authorizing for British subjects a direct trade with the enemy, still further diminishes the force of her pretensions for depriving us of the colonial trade. Thus we see in Robinson's Admiralty Reports *passim*, that during the last war a licensed commercial intercourse prevailed between Great Britain and her enemies, France, Spain, and Holland, because it comprehended articles necessary for her manufactures and agriculture ; notwithstanding the effect it had in opening a vent to the surplus productions of the others. In this manner she assumes to suspend the war itself as to particular objects of trade beneficial to herself ; whilst she denies the right of the other belligerents to suspend their accustomed commercial restrictions, in favour of neutrals. But the injustice and inconsistency of her attempt to press a strict rule on neutrals, is more forcibly displayed by the nature of the trade which is openly carried on between the colonies of

Great Britain and Spain, in the West Indies. The mode of it is detailed in the enclosed copy of a letter from

wherein it will be seen that American vessels and cargoes, after being condemned in British courts, under pretence of illicit commerce, are sent on British account, to the enemies of Great Britain, if not to the very port of the destination interrupted when they were American property. What respect can be claimed from others, to a doctrine not only of so recent an origin, and enforced with so little uniformity, but which is so conspicuously disregarded in practice by the nation itself, which stands alone in contending for it?

Sixthly, It is particularly worthy of attention that the board of commissioners jointly constituted by the British and American governments, under the seventh article of the treaty of 1794, by reversing condemnations of the British courts founded on the British instructions of November 1793, condemned the principle, that a trade forbidden to neutrals in time of peace, could not be opened to them in time of war; on which precise principle these instructions were founded. And as the reversal could be justified by no other authority than the law of nations, by which they were guided, the law of nations, according to that joint tribunal, condemns the principle here combated. Whether the British commissioners concurred in these reversals, does not appear: but whether they did, or did not, the decision was equally binding; and affords a precedent which could not be disrespected by a like succeeding tribunal, and ought not to be without great weight with both nations, in like questions recurring between them.

On these grounds the United States may justly regard the British captures and condemnations of neutral trade, with colonies of the enemies of Great Britain, as violations of right; and if reason, consistency, or that sound policy which cannot be at variance with either, be allowed the weight which they ought to have, the British government will feel sufficient motives to repair the wrongs done in such cases by its cruisers and courts.

But, apart from this general view of the subject, a refusal to indemnify the sufferers, in the particular case of the *Aurora*, is destitute of every pretext; because, in the second place, the continuity of her voyage was clearly and palpably broken, and the trade converted into a new character.

It has been already noted that the British regulation of 1798, admits a direct trade in time of war, between a belligerent colony and a neutral country carrying on the trade; and admits consequently the legality of the importation by the *Aurora*, from the Havana to Charleston. Nor has it ever been pretended that a neutral nation has not a right to re-export to any belligerent country, whatever foreign productions, not contraband of war, which may have been duly incorporated and naturalized, as a part of the commercial stock of the country re-exporting it.

The question then to be decided under the British regulation itself, is, whether in landing the cargo, paying the duties, and thus as effectually qualifying the articles for the legal consumption of the country, as if they had been its native productions, they were not at the same time equally qualified with native productions, for exportation to a foreign market. That such ought to be the decision, results irresistibly from the following considerations.

1. From the respect which is due to the internal regulations of every country, where they cannot be charged with a temporizing partiality towards particular belligerent parties, or with fraudulent views towards all of them. The regulations of the United States, on this subject, must be free from every possible imputation; being not only fair in their appearance, but just in their principles, and having continued the same during the periods of war, as they were in those of peace. It may be added that they probably correspond, in every essential feature relating to re-exportations, with the laws of other commercial countries, and particularly with those of Great Britain. The annexed outline of them, by the secretary of the treasury, will at

once explain their character, and shew that, in the case of the *Aurora*, every legal requisite was duly complied with.

2. From the impossibility of substituting any other admissible criterion, than that of landing the articles, and otherwise qualifying them for the use of the country. If this regular and customary proceeding, be not a barrier against further inquiries, where, it may be asked, are the inquiries to stop? By what evidence are particular articles to be identified on the high seas, or before a foreign tribunal? If identified, how is it to be ascertained whether they were imported with a view to the market at home, or to a foreign market, or as ought always to be presumed, to the one or the other as it should happen to invite? or if to a foreign market, whether to one forbidden or permitted by the British regulations? for it is to be recollected that among the modifications which her policy has given to the general principle asserted by her, a direct trade is permitted to a neutral carrier from a belligerent colony, to her ports, as well as to those of his own country. If, again, the landing of the goods, and the payment of the duties be not sufficient to break the continuity of the voyage, what, it may be asked, is the degree of internal change or alienation which will have that effect? May not a claim be set up to trace the articles from hand to hand, from ship to ship, in the same port, and even from one port to another port, as long as they remain in the country? In a word, in departing from the simple criterion provided by the country itself, for its own legitimate and permanent objects, it is obvious that besides the defalcations which might be committed on our carrying trade, pretexts will be given to cruisers for endless vexations on our commerce at large, and that a latitude and delays will accrue in the distant proceedings of admiralty courts, still more ruinous and intolerable.

3. From the decision in the British high court of admiralty itself, given in the case of the *Polly*, Lasky, master, by a judge deservedly celebrated for a profound judgment, which cannot be suspected of leaning towards doctrines un-

just or injurious to the rights of his own country. On that occasion he expressly declares ; “ It is not my business to say what is universally the test of a bona fide importation : it is argued that it would be sufficient that the duties should be paid, and that the cargo should be landed. If these criteria are not to be resorted to. I should be at a loss to know what should be the test ; and I am strongly disposed to hold, that it would be sufficient, that the goods should be landed and the duties paid.” 2 Rob. Reports, p. 368-9.

The President has thought it proper that you should be furnished with such a view of the subject as is here sketched ; that you may make the use of it best suited to the occasion. If the trial of the *Aurora* should not be over, it is questionable whether the government will interfere with its courts. Should the trial be over, and the sentence of the vice admiralty court at St. Johns have been confirmed, you are to lose no time in presenting to the British government a representation corresponding with the scope of these observations ; and in urging that redress in the case, which is equally due to private justice, to the reasonable expectations of the United States, and to that confidence and harmony, which ought to be cherished between the two nations.

From Mr. Gore to Mr. Madison.

BOSTON, NOVEMBER 18, 1805.

SIR,

THE ship *Indus*, David Myrick, master, was taken by his Britannic majesty's ship the *Cambrian*, captain John P. Beresford, in latitude 31. 30. north, and longitude 61. 56. west, and sent to Halifax, where she, and all the property on board, belonging to the owners, master and supercargo, were condemned, on the ground, as is said, of the illegality of the trade which she was prosecuting at the time of the capture. An appeal has been claimed, and will be duly prosecuted, before the lords commissioners of appeal, in Great Britain, by the insurers, to whom the said ship and cargo have been abandoned. These insurers consist of four companies, in the town of Boston, incorporated under

the names of the Massachusetts Fire and Marine Insurance, the Suffolk Insurance, the Boston Marine Insurance, and the New England Insurance, who are not only interested in the above decision, as it relates to the particular case in which it was rendered, but are deeply concerned on account of insurances made by them on vessels and cargoes that may be embraced, as they fear, by rules and principles said to have been adopted in the case of the *Indus*. These fears derive but too much weight from decisions that have taken place in London, condemning property for being in a commerce always by them understood to be lawful, not only from their own sense of the law of nations, but also from the assent of Great Britain, discovered by her former practice, and by principles advanced by her judges in support of such decrees.

The amount of property withheld, and ultimately depending on the decisions of the high court of appeals, in the case of the *Indus*, is sufficient, of itself, to demand their serious attention; but when combined with the effect of principles, supposed to have been applied in this instance, they are apprehensive of further and still greater injuries to their own property, and that of their fellow citizens, in this quarter of the country; and these losses, should they be realized, would be encountered in the prosecution of a trade, in which they felt themselves as unoffending against the rights of others....as secure from the interruption of the power that now molests them, as in coasting voyages between different parts of the United States.

They hope, therefore, not to be thought intrusive in asking of the government its interference, through their minister at the court of London, or otherwise, as the President, in his wisdom, may judge proper, to protect their commercial rights, and to obtain redress of the particular injury of which they complain. They have even felt it a duty, due from them to the government of their country, to apprise those entrusted with the administration of its concerns, of events, so injurious in themselves, and pregnant with consequences so momentous to their individual proper-

ty and the general prosperity of the country. Such reflections have influenced these several companies to request me to present you a statement of the case of the Indus, for the inspection of the government; and the purposes above alluded to; and also to subjoin some of the reasons which have occasioned the security with which they have hazarded their property on voyages now pretended to be unlawful.

In the summer of 1804, Messrs. David Sears and Jonathan Chapman, native citizens of the United States, and residents in Boston, owned a ship called the Indus, which they fitted out for a voyage to India. They put on board her 63,640 dollars, and three sets of exchange, drawn by themselves on Messrs. John Hodshon and son, of Amsterdam, at ninety days sight, for twenty-five thousand three hundred guilders, which amount of specie and bills they confided to Abishai Barnard, a native citizen of the United States and supercargo. This ship and property, altogether owned by themselves, they despatched with orders to go to the isles of France and Bourbon, and, if able, to purchase a cargo there, so to invest the specie and bills, if not, to proceed to Batavia, for the same purpose; if not practicable there, to go on to Calcutta, and obtain a cargo; with which cargo, whenever procured, the said ship was directed to return to Boston, unless, before the vessel should quit the isle of France, or Batavia, a peace should take place in Europe, in which event, she was ordered to proceed to Falmouth in England, and conform herself to the orders of her owners' correspondents in London. All the papers on board shewed these facts; and such, and such only, was the property and destination of the vessel and her lading. In a memorandum relating to the purchase of the cargo, given to the supercargo, he was reminded not to forget to insert in the manifest, after the arrival of the vessel in the tide waters of Boston, the words "and Embden," viz. from the isle of France, or Batavia, to Boston "and Embden," as this would not deprive the owners of the privilege of unloading wholly in Boston. The object of this request was, in case of peace, to avoid an expense and inconvenience which Mr.

Sears, the principal owner of this ship and cargo, suffered at the last peace, viz. the unloading of the entire cargo of a vessel called the Arab, from India, in the port of Boston, which, under the then existing circumstances, viz. a state of peace, he inclined to send immediately to Europe, but which he would not have contemplated, had not peace taken place, and which he did not anticipate when the vessel sailed from Boston, as he did not foresee a termination of the war; such being the construction put, by the collector of the port of Boston and Charlestown, on the laws in force, when the vessel referred to arrived, and when the Indus sailed in 1804. The expense of unloading and reloading this vessel, would have amounted to several thousand dollars: and in case of the law being at her arrival as when she sailed, and of a peace in Europe, and the owners sending her there (in which event alone did they ever entertain the least intention of not closing the voyage in America) this expense might have been saved.

With this property, and under these instructions, the Indus proceeded on her voyage to the Isle of France; not being able to procure a cargo there, she went to Batavia, where she loaded with the proceeds of her specie and one set of her bills. In the prosecution of her voyage from Batavia to Boston, the ship was so damaged by storms, that she was obliged to put into the Isle of France, where the vessel was condemned as no longer seaworthy; the cargo was taken out; a new vessel purchased by the supercargo, which he named the Indus, and such of the articles as were on board the former Indus, and not damaged, were re-shipped in the new Indus; these articles, together with some tea, taken on freight for certain citizens of Boston, there to be landed, composed her entire cargo. With this property, she was within a few days sail of her destined port of Boston, in the latitude and longitude aforesaid, when she was captured by the Cambrian, and sent to Halifax and condemned, as before mentioned.

The assumed ground of condemnation was, as the underwriters are informed, that the direction to insert the

words "and Embden," after the arrival of the vessel in the port of Boston, disclosed an intention in the owners to continue the voyage to Europe, whereas the only object was to reserve to themselves the right to obviate any objection, from the custom house here, to her proceeding thither, in the event of a peace between the present belligerents.

This is manifest from the testimony of the owners, and is confirmed by their instructions to the conductors of this voyage, as to its destination, in case of a peace before they quitted India. On this contingency only were they to proceed otherwise than to Boston. The reason which Mr. Sears directed the words "and Embden" to be inserted, is obvious from what he suffered in the case of the Arab, as related by himself and the collector of the customs; and that it was only in the event of peace, that he contemplated sending to Europe the vessel and cargo to which his memorandum referred, is confirmed by his former practice and course of trade, viz. during the last ten years he has been engaged in voyages to India, and likewise in shipping the produce of the East and West Indies to Europe, and in no case, during the existence of war, has he sent to Europe, articles imported by himself, in the same vessel in which they were brought from India. Further, in the case of the ship Lydia, which arrived from India at Boston, in the summer of 1804, and on board which vessel there was the like instruction as in the Indus, which instruction was complied with by the master, yet, as the war continued, on her arrival at Boston, he sold the whole cargo to a merchant of this town; and also that of the Indus, in the voyage preceding the one in which she was lost, wherein the like precaution was also taken, and for the like purpose, but as it was war when she arrived, the voyage terminated here. Thus, sir, in this case there exists the most plenary evidence, that the voyage which the Indus was performing, when captured, was direct from Batavia to Boston, there to terminate. A trade perfectly legal, not only in the understanding of the owners, but so acknowledged,

admitted and declared by Great Britain, in her practice, for ten years past, in her instructions to her cruisers, in the decrees of her courts, and in the rules and principles advanced by her judges in promulgating their decrees.

The principle understood to be assumed by Great Britain is, that in time of war, a trade carried on between two independent nations, one neutral and the other belligerent, is unlawful in the neutral, if the same trade was not allowed and practised in time of peace. This principle, though assumed by Great Britain, is now, and always has been, resisted as unsound, by every other nation. She always assumes as a fact, that the trade with a colony has always been confined exclusively to ships of the parent country. In virtue, therefore, of this assumption of principle and fact, she deems unlawful and derogatory to her rights, the trade of a neutral with the colonies of her enemies. However, in the last war, she so far modified her principle, as to assent to the lawfulness of the voyage of a neutral, if direct between the ports of the neutral and the colony of the enemy; and also a trade in such colonial articles, from the country of the neutral to any other country, even to the parent country of such colony, provided such articles were imported, *bona fide*, for the use of the neutral, and there purchased, or afterwards shipped by himself; and also in articles the produce of the parent kingdom, from the neutral state to the colony of that metropolitan kingdom, provided the exporting and importing were, *bona fide*, as in the other case. But this modification she always affected to consider as relaxation of her strict rights, and from this consideration assumed greater authorities to interfere with the permitted trade, as she would say of neutrals.*

The underwriters have therefore thought it important to examine how far the doctrine is sanctioned by the law of nations, and the grounds on which it is supposed to rest, are conformed to, or contravened by the practice of the belligerents themselves.

* POLLY, LASKY. Robinson's Admiralty Reports, page 361. Emmanuel Robinson, page 186, particularly 203.

This principle was first brought forward in the war of 1756, and was then attempted to be supported on the doctrines advanced by Bynkershoek. You, sir, to whom the writings of this eminent civilian are doubtless familiar, must be aware that the rule laid down by him, is brought forward to a very different purpose, and from the manner in which he treats on the rights of neutrals, and the historical fact quoted from Livy, to illustrate and sanction the principle asserted, shows that it can by no means warrant the proceedings which it has been attempted to justify; and that there is no analogy between the case cited and that of the mere peaceable trade of a neutral with a belligerent, in articles not contraband of war, nor to places under blockade.

His general position is, that whatever nations had the power and faculty to do in time of peace, they have the right to do in time of war; except that they have not a right to carry to either of two enemies articles contraband of war, or to trade to blockaded places, because this would be to intermeddle in the war.

The author before cited is the principal, if not the only one, whose opinions are adduced, as capable of affording support, or in any way bearing upon this doctrine. An authority, however, to interrupt the trade of a neutral in war, which he was not free to carry on in peace, is assumed as a legitimate consequence of his acknowledged rights. The law of nations not only prescribes rules for the conduct, and supports the rights of nations at war, but also contains regulations and principles by which the rights of such as remain at peace are protected and defined.

The intercourse between independent nations must exclusively rest on the laws which such nations may choose to establish. This is a natural consequence of the equality and independence of nations. Each may make such commercial and other internal regulations as it thinks proper. It may open its whole trade to all foreign nations, or admit them only to a part; it may indulge one nation in such a commerce, and not others; it may admit them at

one time, and refuse them at another; it may restrict its trade to certain parts of its dominions, and refuse the entrance of strangers into others. In this respect it has a right to consult only its own convenience, and whatever it shall choose to admit to others, may be enjoyed by them without consulting a third power. Great Britain acts upon this principle: at one time she executes her navigation law with strictness; at other times she relaxes most of its regulations, according to the estimate she forms of advantage or disadvantage to be derived from its execution or relaxation: neither does she allow the competence of any foreign power to call in question her right so to do. In time of peace she compels a strict adherence to the principles and letter of her navigation act: in time of war she suspends most of its provisions, and to this she is doubtless induced by the paramount interest of manning her navy; whereby she is enabled to employ a much greater number of seamen in her own defence, and to destroy the commerce of her foes.

In consequence of a superiority derived, in some degree, from this relaxation, England is rendered an entrepot for receiving and supplying all the products of the world; and after reaping a considerable revenue from the merchandise thus introduced, she furnishes not only the continent of Europe generally, but her own enemy with such articles as are wanted, many of which she prevents his receiving in the ordinary course.

The other nations of Europe, possessing foreign colonies, and influenced by motives of convenience, certainly not by considerations of a higher nature than actuate Great Britain, find their advantage in a similar change of their commercial systems.

The mere circumstance, that the innocent property of a neutral is engaged in a trade permitted now, though prohibited at a former period, is in itself perfectly innocent, and does not seem capable of interfering with the rights or justifying the complaints of a third power.

The ordinary policy of a nation may be to encourage the

manufacture or growth of a certain article within its own dominions, and for this end may prohibit or restrict the importation of the like articles from other countries. Does the repeal or suspension of such restriction, confer any right to impede the transportation, by a third, of the article, the prohibition whereof is suspended? Because the corn laws of a nation operate three years in five, as a prohibition to the importation of all corn, can it be inferred that a friendly power should abstain from carrying its surplus corn to market? Has any belligerent a right to stop the corn owned by neutral merchants, on the way to its enemy, whose crops have failed and prohibitory laws have been repealed? The simple state of the case, that the trade, though illegal in peace, is legal in war, decides the question.

Recourse is therefore had to another principle, in order to render that unlawful, which, on every ground of the equality and independence of nations, is lawful.

The belligerent has a right to distress the person and property of his enemy, and thereby compel a submission to his demand, and for this purpose, he may use all the means in his power.

By interrupting the trade of neutrals, which is opened to them in war, and was prohibited in peace, the belligerent distresses his enemy, lessens his revenue, prevents the exercise of his commercial capital and the employment of his merchants, and deprives him of the enjoyment of those articles, which administer to his comfort and convenience; therefore such interruption is lawful.

An obvious answer to this reasoning is, that it proves too much, is founded on a principle so comprehensive as to embrace all trade between neutrals and a nation at war. If it distress a nation to interrupt that commerce, which has become lawful since the war, it would distress him much more to cut off all trade; that which was allowed in time of peace, as well as that which was not; and the same reason which is used to authorize an interruption of the one, would as well justify the other. Indeed, we have several times seen the like doctrine extended this length in the

heat of contest ; but no instance has occurred of an attempt to vindicate it in time of peace : for the legality of a trade in innocent articles, to a place not blockaded, and the right of the neutral to carry it on, depends entirely on the laws of the two countries, between which, and by whose inhabitants it is prosecuted, and in no degree on the consent of the belligerent. If this argument of distress, combined with that of an unaccustomed trade, should be admitted in all its latitude, no trade with belligerents would be legal to neutrals. The enemies of Great Britain would be disposed to attribute much weight to a consideration of the peculiar advantages, which a power constituted as her's may be supposed to derive, and such evils as she may be presumed to prevent, by the relaxation of her commercial system. A continental power may derive some accommodation, and some convenience from relaxing her commercial restrictions ; but nothing essential to her safety, nothing, as was demonstrated in the last war, materially affecting the great objects of the contest. She might obtain the articles of East and West India produce a little cheaper by these means than if compelled to procure them by her own ships, or through the medium of her enemy ; for it is a circumstance which very much impairs the argument of distressing the foe, that in modern wars it is the practice of commercial nations, notwithstanding they respectively capture each other's property, to open their ports for the exchange of their merchandise, by the assistance of neutrals, and in this way afford the succour they mutually need. It will, however, be said that it is not the trade between neutral countries and the metropolitan dominions of Europe which is deemed illegal, but the trade of neutrals with their colonies. It is not easy to perceive the grounds on which this distinction rests, but without complaining of an exceptionable rule, because the practice under it is not as extensive as its principle might be supposed to warrant, it may be examined in the case to which it is applied.

The argument of distressing the enemy is adduced to vindicate the interruption of the trade of neutrals with

enemies' colonies. This distress can be inflicted in two ways : by depriving the colony of the necessary supplies, or the parent country of the colony productions. To supply the enemies' colonies is not considered legal, provided it be done from the neutral country ; and also to furnish the parent country with the produce of the colony, provided it be done from the neutral country. The argument, therefore, of distress is narrowed down to a mere trifle ; to the addition of a fraction in the price of the article supplied to the parent country ; for, so far as respects the supply of the colony and the finding a market for its produce, and the arguments flowing from thence, these, surely the most plausible on the score of inflicting distress, are utterly abandoned. But further, the same commercial spirit which has been before noticed, leads the great nations of Europe themselves to contribute to those very supplies, the depriving the enemy whereof is alleged as a justification for interrupting the trade of neutrals. Not only a trade in Europe, but a regular and authorized trade, to the extent of every necessary and almost every other supply, was carried on during the last war between the British and Spanish colonies ; and instances have again and again occurred, and before the close of the late war, ceased to be considered as extraordinary, where the cargoes of neutral vessels bound to the Spanish colonies were seized by the British, and condemned in the vice-admiralty courts, on pretence that the trade was illegal ; and the articles thus stopped and made prize of, under the plea of distressing the enemy, were shipped on board a Spanish or British vessel, supplied with a British license, and sent to the original port of their destination. Surely, such a mode of distressing the enemy may be more properly denominated distressing the neutral, for the purpose of supplying the enemy at the exclusive profit of the belligerent.

Such, sir, are some of the observations which these gentlemen make on the difference between the practice and avowed principles of belligerents, and the unavoidable consequences of such principles, and which satisfy their

minds that, according to the practice of belligerents themselves, there is no foundation for the arguments raised on pretence of distressing the enemy, and that interrupting a trade in war, because not exercised in peace, is inconsistent with the equality and independence of nations, and an infringement of their perfect rights. It is also evident that the wants and interests of all nations at war, even of those who possess the most powerful commercial and military navy, require them to contradict in their own practice those principles which are avowed in justification of the injuries they inflict on neutrals.

To support this doctrine it is also necessary to assume as true, that all trade and intercourse between the colonies of the different European powers, and other countries, have been constantly and uniformly interdicted in time of peace, and that such colonies depended exclusively on the metropolitan kingdom for supplies of every kind. That nothing could be received by or from them, but through the mother country; except when the overpowering force of the publick enemy had prevented all such communication. This supposed exclusive trade so confidently assumed, will, on examination, be found subject to many exceptions. It is well known that some of the British West India colonies, during the commotions, which existed in England, in consequence of the disagreement between Charles the first, and his parliament, exported their produce to Europe by Dutch ships, manned with Dutch seamen, and that the navigation act originated in the double view of punishing some of these colonies, who had discovered an attachment to the cause of defeated royalty, and of curtailing the means enjoyed by the Dutch, of increasing their wealth, influence and power. An intercourse has always been admitted; at some times, very restrained; at others, more extended, as suited the caprice of the governors, or as the necessity of the colonies required.

Until a period subsequent to the treaty of Utrecht, France seems to have paid no attention to her West India colonies. Previous to that time, they do not appear to

have enjoyed any constant correspondence, or direct intercourse with the mother country ; and at all times, as well before, as since the independence of the continental colonies of Great Britain, a direct trade has existed between the colonies of France and those of Great Britain in the West Indies, and also with the settlements on the continent of North America, more or less limited, as real or pretended convenience demanded.

Great Britain, prior to the independence of the United States, had less occasion to admit the entry of vessels and merchandise from, or the export of the produce of her colonies to any other, than her own dominions : yet, instances are not wanting of the relaxation of her navigation act, for both purposes, and in the year 1739, a bill passed the parliament, allowing the sugar colonies, for a limited time, to export their produce to foreign ports. In fact, colonies depending on other countries for their supplies, and at a distance from their parent country, must, at times, admit the intercourse of foreigners, or suffer the greatest impoverishment and distress. It will not be denied, that the British provinces in the West Indies, depend in a great measure, if not altogether, on the United States, for their corn. True it is, that the shipment is generally made in British vessels ; but should the United States deem it for their interest, to insist on its being transported thither, in American ships, it is not certain that the convenience, not to say the necessities of the colonies, would not render an acquiescence advisable. The fact is, in regard to the colonies in the West Indies, whether belonging to France or Great Britain, that the monopoly has not been, and in the nature of things, never can be very strict, constant, and exclusive. The United States always have enjoyed, and without hazarding much, one may pronounce with confidence, that they always must enjoy a direct intercourse with their colonies, however adverse to the dispositions or supposed interest of the parent countries in Europe. Thus stands the fact of an accustomed trade, in time of peace, as relates to the West Indies. In regard to the East Indies,

it is certain that the vessels of the United States have always gone freely to the British settlements there, and it is believed, that the vessels of our country were the first to export sugars from Bengal, and that their exportations have augmented immensely the culture of that article in that country. To many of the Dutch settlements, our vessels have gone, with but little interruption; and to some of these, and to the French possessions, more especially to the isles of France and Bourbon, the trade of the United States has been constant, uninterrupted, and increasing, ever since the year 1784. It is difficult then, sir, for these gentlemen to conceive how the doctrine or the fact, assumed by Great Britain, can be supported by the law of nations, or reconciled to the truth.

Moreover, Great Britain professes, that the decisions of her admiralty courts are always regulated by the law of nations; that they do not bend to particular circumstances, nor are guided by the orders or instructions of the government. The principles of this law are immutable; being founded on truth and justice, they are ever the same. Now it appears from the practice of Great Britain herself, that in the war of 1744, and in that which was concluded in 1783, whether the trade was an accustomed one in time of peace, made no part of the discussion, nor was it pretended, that the trade not having been prosecuted in peace, subjected the vessel or cargo to forfeiture, in war. It seems more like the offspring of her pre-eminent power on the ocean, in the two wars of 1756, and that which lately ended, than the legitimate doctrine of right and justice. In the war of 1756, Dutch vessels, by special license from France, were permitted to export the produce of the French colonies. These were captured and condemned, on the ground, that by adoption they had become French vessels. Afterwards the property was carried to Monte Christi, and exported thence in Dutch vessels. Particular trades, and special privileges were also allowed by France, to vessels belonging to citizens of Amsterdam, as a gratification for their peculiar exertions to induce the stadtholder to take

part with France against Great Britain. Vessels and their cargoes so circumstanced, were captured and condemned by the British, and this principle was then brought forward to justify their conduct, as covering, in their courts, all the cases by a rule as extensive as was the power and cupidity of their cruisers on the sea.

In the war for the independence of America, this principle, set up for the first time in that which preceded it, and contrary to former practice, was abandoned. This is exemplified in the following case, viz: A vessel bound from Marseilles to Martinico, and back again, was taken on the outward voyage; the vice-admiralty court at Antigua gave half freight. On appeal, the lords of appeal gave the whole. It is said in answer to this, that France opened her colonies, and though it was during the existence of war, yet it was the profession of keeping them always so, but was afterwards found delusive. The lords of appeal, however, in the case of the Danish vessel, could not have acted upon such grounds: for their decision was in 1786, three years after the peace, and after it was manifest, if any doubt had before existed, that the general opening of the trade between the colonies and the mother country, to foreigners, was a temporary expedient, and dependent on the duration of the war. The claim before them was merely equitable, being for freight of that part of the voyage, which had not been performed, and to obtain which, the party claiming is bound to shew, that he has offended no law and interfered with no rights of the belligerent.

What renders the conduct of Great Britain peculiarly injurious to the merchants of our country at this time, is the extension of this offensive doctrine, contrary to her own express and publick declaration of the law during the last war; for it was then declared, that the importation from an enemy's colony, to the country to which the ship belonged, and the subsequent exportation was lawful; and so of property, the produce of the parent country, going from the United States to the colony—Vide cases of *Immanual* and *Polly*, in Robinson's Admiralty Reports, before

eited. Whereas property going from the United States, the produce of an enemy's country, to her colony, although bona fide imported and landed in the United States, and exported on the sole account and risk of the American merchant, is now taken and condemned, on the ground, that the same person and vessel imported and exported the same articles; and thus, by an arbitrary interpretation of the intention of the merchant, the second voyage is adjudged to be a continuance of the first. If this new and extraordinary doctrine of continuity is maintained on the part of Great Britain, and acquiesced in by the United States, a very large property, now afloat, may be subject to condemnation, and it must follow, that an extensive trade, which has been carried on with great advantage by the United States for these twelve years, and admitted to be lawful, will be totally annihilated.

The Indus, and cargo, have been condemned on the mere possibility that the same might go to Europe, from Boston, in case of a peace, in which event Great Britain could pretend to no authority to question the voyage she should make.

Now, to adopt a principle of dubious right in its own nature, and then to extend such principle to a further restriction of the trade of the neutral, without notice, is spreading a snare to entrap the property and defeat the acknowledged rights to which he is entitled.

Such are its effects, both on the individual owners of this property, as well as on the underwriters. For Mr. Sears and Mr. Chapman, in planning this voyage, and indeed in every one they ever prosecuted, have endeavoured to ascertain what the law authorized them to do, as that law was understood and practised by the belligerents, and for this purpose they examined the orders to the British cruisers, the adjudications in the British courts during the last war, and conceived themselves clearly within even the narrowest limits to which Great Britain professed to circumscribe the trade of neutrals. The underwriters also have been uniformly guided, in insuring property, by the rules declar-

ed and promulgated by the belligerents themselves. In the present case, they considered, that according to the clearest evidence of those rules, they incurred no risk from British cruisers.

Should then Great Britain undertake to presume, that the law would authorize the interruption of such a trade, these gentlemen cannot bring themselves to believe, that under even such impressions of her rights, she would so far forget what is due to her former understanding of the law, and to the encouragement given to such a commerce, as without notice of her altered sentiments, to seize and confiscate the property of those, who had so conformed their voyages to rules pronounced by herself.

I have the honour to be, &c.

(Signed)

C. GORE.

The Hon. JAMES MADISON, Esq. Secretary of State.

BOSTON, NOVEMBER 26, 1805.

SIR,

SINCE making the statement herewith enclosed, the underwriters find themselves called upon to represent a new cause of complaint, founded on a still further extension of the principle, before remarked on, and which is now made the ground of condemning property, going to Europe, merely because it is imported into the United States, and exported by the same person, although it has been landed and subjected to the payment of duties here, and was transporting in another vessel and belonging to different owners.

It is the case of property, belonging to the same Mr. Sears, who shipped sundry goods (some of them imported by himself in various vessels, and others purchased here) on board the George Washington, captain Porter, a general freighting ship, bound for Amsterdam from Boston.

That vessel has been captured, and the property imported and thus exported, has been condemned in London. This is also abandoned to the underwriters.

This proceeding of the British has been so unforeseen and unexpected by even the most prudent and circumspect,

that very serious and general consequences are to be apprehended in this part of the community.

Should the facts related in the statement of the case of the Indus, or of the George Washington, now mentioned, require any further verification than what accompanies these papers, and you will please to notify me thereof, I will endeavour to supply the same.

I have the honour to be, &c.

(Signed)

C. GORE.

JAMES MADISON, Esq.

To the Hon. James Madison, Secretary of State of the United States.

THE memorial of the merchants of Newburyport and its vicinity, respectfully represents :

That while pursuing a just and legal commerce, we have suffered great and aggravated losses from unwarrantable depredations on our property by several of the belligerent powers of Europe. In conducting our commerce, we have endeavoured strictly to conform ourselves to the laws of nations and existing treaties, to the regulations of our own government, and to those of the belligerent powers ; yet nevertheless, our property has, in various instances, been taken from us on the high seas, in a piratical manner ; in some others, it has been seized by the cruisers of one nation, carried into the ports of another, and there embezzled with scarcely the semblance of a trial, and in many cases our vessels and cargoes have been captured, tried, and condemned in courts of law, under unusual and alarming pretences, which, if permitted to continue, threaten the ruin of our commercial interests.

So far from obtaining redress of our grievances, by the ordinary modes and processes of law, we have in most cases been subjected to heavy costs, and suffered embarrassing and distressing detention of property, even where no pretence could be found to authorize the seizure of it.

In this alarming situation of our commercial affairs, both our duty and interest strongly urge us to embrace the earliest opportunity to communicate to the constituted guardians of our rights, such facts and documents as may enable them effectually to demand indemnification for past losses, and security from future aggressions.

You will therefore have the goodness, as soon as may be, to lay before the President of the United States the enclosed list of losses sustained by the merchants of Newburyport and vicinity, together with the memorial.

Having sustained these losses and injuries in the prosecution of our lawful commerce, and in the exercise of our just rights, we rely with confidence on the wisdom, firmness, and justice of our government, to obtain for us that compensation, and to grant to us that protection which a regard to the honour of our country, no less than to the rights of our citizens, must dictate and require.

We have the honour to be, very respectfully, sir, your obedient servants,

(Signed)

WILLIAM BARTLETT,
MOSES MOWN,
WILLIAM FARIS,
JOHN PEARSON,
EBENEZER STOKERS,
STEPHEN HOWARD,
EDWARD TOPPAN,

} Committee,

LIST OF LOSSES

Sustained by the Merchants of Newburyport and vicinity, by depredations of the belligerent powers of Europe.

Name of the Vessel.	Name of the Master.	Name of the Owner.	By whom captured or detained.	Value of Property.
Brig Respect,	John March,	William Bartlett,	This vessel was from Newburyport, bound to Amsterdam, with a cargo of coffee, sugar, ginger, and logwood; was taken by a Guernsey privateer, 2d of July last, carried to Plymouth, libelled, tried, and sentence, further proof.	Vessel and outfits valued, 10,000 Cargo, 51,709 78 Adventures on board, 5,269 68 ----- \$66,979 46
Brig Adair,	Hector Coffin,	Ditto.	This vessel was from Newburyport, bound to Amsterdam; was taken by a privateer, called the Polecat, and carried into Dover, in September last, libelled, tried, and two thirds of the sugar in casks, was condemned.	Vessel and outfits, 7,000 Cargo, 31,765 99 Adventures, 1,097 87 ----- 39,863 86
Brig Swift Packet,	Jeremiah Goodhue,	Ebenezer Stocker, and Thomas C. Amory,	This vessel was bound to New-Orleans, with a cargo of coffee, &c. captured on the 21st day of December, 1804, by two French privateers, the Sans Sourit and Dolphin, carried into St-Jago de Cuba, and vessel and cargo there taken from the captain, without any trial whatsoever.	Vessel, 3,000 72,334 lbs. coffee, 18,085 50 Other cargo, 1,200 Adventures, 1,028 75 ----- 23,314 25

Name of the Vessel.	Name of the Master.	Name of the Owner.	By whom captured, or detained.	Value of Property.
Schooner Polly,	William Morris,	Ebenezer Stocker,	Bound from Newburyport to the West Indies, with provisions and dry goods; captured 15th December, 1803, by a French privateer schr. L'Hirondelle, captain Gerawdeia, carried to St. Domingo, vessel and cargo condemned.	Vessel, 2,000 Cargo, 7,848 79 Adventures, 2,000 —11,848 79
Brig John,	Mathew P. Dole,	John Pearson,	Bound to Jamaica, with lumber & provisions; captured on 8th March, 1804, by a French privateer, called the Liberty, commanded by — Cady, carried into St. Jago de Cuba, vessel and cargo there taken from the captain, without any trial whatsoever.	Vessel, 7,000 Cargo, 6,000 Adventures, 500 —13,500
Brig Joanna,	Jeremiah Blanchard	Joseph Sevier,	Bound from Norfolk to Jamaica; captured on 12th day of July last, in the Caucus passage, by a French privateer out of Baracoa, in the island of Cuba, called La Fortune, commanded by Ameling, owned by two merchants, residing at Baracoa, named Povo and Dubier, carried in to Baracoa, robbed of her spare rigging, stores, and provisions, the captain's spy glass, and the brig's boat; after detaining her 11 days, she was carried into an out port, 5 leagues to the eastward of Baracoa, by the privateersmen, and kept under a battery of two guns; the sixth day after, she was cut out by his Britannic majesty's brig Hunter, and carried to Jamaica, condemned vessel, cargo and freight, to a salvage of one third.	One third vessel, cargo and freight for salvage, estimated at 5,694 99

Schooner Peggy,	John Denny,	Ag.E. Wheelwright,	Captured on her passage from St. Mary's to Newburyport, February, 1804, by a private armed schooner Sea Flower, commanded by Moses Mouson, carried into St. Jago de Cuba, the property distributed amongst the captors, without even the form of a trial. This vessel was loaded with provisions, bound to Cape Francois, then in possession of the French troops; but on arriving before that port, in December, 1803, was boarded and detained by the British squadron, at the time the Cape was evacuated, after which captain Denny was permitted to proceed to any port in the island, St. Domingo excepted.	2,000 22,690 50 — 28,690 50
Ship Huntress,	Baily Chase,	Thomas M. Clark, Orlando B. Merrill, Baily Chase, and Stephen Bartlet,	This vessel sailed from Boston, 9th July last, on her first voyage bound to Rotterdam, with a cargo of sugar, coffee, tobacco, ashes, ginger, and New England rum; was captured on the 5th August, off the island of Showen, by his Britannic Majesty's frigate Aminthis, captain Spanger, carried to Yarmouth, detained till 5th September, then liberated, without trial, on payment of the captor's expenses.	Captain's £. Sterl. expenses, 229 15 30 days de- tention, ex- penses of the crew, &c. by es- timation, 270 — 499 15 equal to 2,221 11

Name of the Vessel.	Name of the Master.	Name of the Owner.	By whom captured or detained.	Value of Property.
Schooner Joseph,	John Lurney,	John Burrill, Ebenezer Gunneren Elias Dudley, Michael Smith, and David Ilsley, and Clement Starr,	Captured on her return from the West Indies, by a French privateer, called the Adet John Saverneau, March 26, 1804, and there destroyed. Captain, in his protest, says he was plundered of his clothes, and every article from his cabin; turned on shore with one of his people, without a dollar on which to subsist, and protests against the Spanish government (with due permission) for permitting the privateers to conduct into port his vessel, and retain the same.	Vessel, 2,500 Cargo, 17,234 <u>19,734</u>
Schooner Courier,	William Williams,	Micajah Lunt, and Anthony Knapp,	Captured on her passage from Bonaire to St. Thomas, and a market, (with her outward cargo) by his Britannic Majesty's ship of war Diana, Thomas James Maling, Esq. commander, and the Sufficient, Henry La Roche, Esq. commander, carried to Port Royal, Jamaica, the 8th April, 1805, condemned on suspicion of her being bound to Curacao, then said to be blockaded; cargo, fish, beef, brandy, gin, boards, shingles, and one hundred barrels naval stores.	Vessel, 2,000 Cargo & freight, 4,173 25 And 1,500 <u>7,473 25</u> An adventure belonging to Francis Todd, 558 55

Ship Cicero,	Isaac Adams,	James Prince, and Isaac Adams,	Detained by the French government at Hel- vetsluis, from Dec. 26, 1802, to May 6, 1805, with her freight on board; which was after- wards forcibly taken out of the ship by an order from the French government, who refused to pay for the detention of the ship, except for about 2000 dollars, leaving a balance due,	7,000
Ship Argo,	George Warner,	Daniel Richards, and John B. Titcomb,	Sailed from Rotterdam, 13th April, for St. Lucar, with a cargo of wheat; captured on the 14th April, by his Britannic Majesty's ship Blazer, lieutenant Henton, detained at the Downs, until 19th April, then liberated, with- out trial, on payment of the captor's expenses.	Captor's £. Sterl. expenses, 42 13 4 Detention of the ship, estimated 67 10 <hr/> 110 3 4 equal to 489 63
Schooner Union,	Charles Friend,	Michael Smith, John Burrill, Ebenezer Gunnison, and Clemt. Starr,	Captured on her passage from Martinico for Newburyport, on the 4th of March, 1804, by his Britannic Majesty's ship Panderer, John Nash, Esq. carried into Dominico, and acquit- ted at a court of vice admiralty, in Antigua, but appealed for by the captors, and abandoned to them by the master.	Vessel, cargo and freight, estimated at 13,549 99
Brig Robert,	William Thomas,	Benjamin Willis,	Captured on her passage from Martinico, by the British armed commissioned schooner, Grand Turk, and condemned at a court of vice admiralty, at St. John, Antigua, July 9th, 1804, as good prize; the vessel carried out a cargo of provisions only, and was returning with pro- duce.	Vessel, 4,000 Cargo, 10,472 34 Freight, 963 13 <hr/> 15,435 47

Name of the Vessel.	Name of the Master.	Name of the Owner.	By whom captured or detained.	Value of Property.
Schooner Vulcan,	Thomas Harris,	William Stuckpole, and Benjamin Homer, of Boston.	This vessel was on her passage from Amsterdam to Boston, after a long and severe trial to get into port, put away in distress and arrived at Bermuda, where she was taken possession of, and her cargo libelled; several adventures, bona fide American property, condemned, some acquitted on payments of costs.	M. E. Rand's adventure, Cost & charges, 750 S. Sweetrer's, 35 4 W. Woast's costs, 58 33 Mark Coffin's, <u>823 37</u>
Ship Ossipie,	Samuel Chandler,	Leonard Smith, and Nathaniel and Wm Smith,	Was captured on her passage from Guadeloupe, by the private armed sloop Rosalinda, Alexander Billington, commander, carried into the island of Nevis, and condemned by the vice admiralty court at Antigua. This vessel sailed from Newburyport for Embden, where she arrived the 30th July, 1804, cargo, sugar, coffee, &c. took on board, cargo of butter, cheese, &c. bricks, beer, wine, linens, &c. and sailed for the West Indies; arrived at Point Peter the 7th November, disposed of her cargo, and was proceeding with her return cargo, when captured.	Vessel, 5,500 Cargo, 17,500 Freight, 3,200 <u>26,200</u>

Total, \$ 283,377 22

Commonwealth of Massachusetts.

PORT OF NEWBURYPORT.

By this publick instrument of protest, be it known and made manifest, that on this second day of December, in the year of our Lord, one thousand eight hundred and five, and in the thirtieth year of the independence of the United States of America, personally came and appeared before me, Michael Hodge, notary publick, by legal authority admitted and sworn, dwelling in the town of Newburyport, in the commonwealth aforesaid, William Morris, master of the brig *Lucretia*, of Newburyport, William Kloot, mate of the said brig, who being duly sworn according to law, did severally solemnly and sincerely depose, testify and declare, that they sailed in the said brig *Lucretia*, from Newburyport, on the twenty-fourth day of August last past, laden with a cargo suitable for the West India market, and bound for the island of Martinico. That on the twentieth day of September following, being then in latitude 21 00 north, and longitude 58 00 west, they saw at 5 P. M. a brig bearing south-east, steering north-west; at half past five they fired a gun and were brought too, hailed, and ordered captain Morris to ware round under his stern, and he would send on board his boat, which he accordingly did, and took captain Morris out of the brig, and left a prize-master, and one man on board the *Lucretia*; at about half past six P. M. they again sent their boat on board with four more men, armed with pistols and cutlasses; they went immediately below, and began to break open every thing in their way, in search, as they said, for naval stores, though it evidently appeared plunder was their object. They robbed the brig of all her new canvas, all her candles, pump nails, locks, and gimblets; all the beans, coffee, and tea, and all the cabin stores: they broke open the medicine chest, and took several things out of it: they went down into the run, broke open several boxes of sweet oil, and broke a number of the bottles, took half a tierce of bread, several buckets of potatoes, and the bucket. They also robbed the said William Morris, the master, of his watch, great coat, a new pair of

boots, a new hat, and a pair of blue trowsers: they also robbed the mate William Kloot, of twenty-three pair of shoes, twenty-four morocco skins, and one pair of trowsers, and the cooper of eighty pair of shoes, and all the people's cloathing they could find. That at about ten o'clock they took William Gilbert, one of the Lucretia's hands, and tied him up to the main rigging: they presented a pistol to the said mate, and declared that if he offered to move, or to speak, they would blow his brains out: they twice went with the plunder they took, and returned the third time, and captain Morris with them, it being then about eleven o'clock, bringing with them clubs instead of their weapons as before; that they began plundering again, and on the people's intreating them to leave their cloathing, they began to beat them with their clubs, and three of the people were most inhumanly beaten; that they struck captain Morris twice with their boat's tiller in his face for only requesting them to cease plundering them any more; that during all this time, they on board the armed brig kept up a constant firing with their musquetry. That at about midnight, they permitted the Lucretia to proceed on her voyage. That the brig who abused and plundered them, carried eighteen or twenty guns, from Africa bound to Jamaica; they told captain Morris, the brig's name was the Andromeda, of London, and commanded by captain Carrol. Wherefore the said William Morris, the master as aforesaid, doth require me, the said notary, to protest. I, the said notary, do therefore, at the request aforesaid, and on behalf of the said William Morris, the master as aforesaid, and of the owner, or owners, shippers, freighters, insurers, and all others in any wise concerned, or interested in the said brig Lucretia, or her lading, as aforesaid, or of any part thereof, *Solemnly protest* against the owners, captains, officers, and crew of the said brig Andromeda, for the robbery of the said brig Lucretia, by the boat's crew of the said Andromeda, as is particularly set forth in the body of this protest, and their abusive and inhuman conduct while on board the said Lucretia, for all losses, costs, charges, dama-

ges, and expenses whatsoever had, borne, suffered, and sustained, or to be had, borne, suffered, and sustained by the said master, owner, or owners, shippers, freighters, insurers, and all others in any wise concerned or interested in the said Lucretia, or her lading as aforesaid, or any part thereof, for, or by reason of the matters and things as aforesaid. Thus done and protested at Newburyport, in the commonwealth aforesaid.

In faith and testimony whereof, as well the said William Morris, and William Kloot, the deponents, as I, the said notary, have to these presents subscribed our names. And the said notary have hereunto set my hand, and affixed my notarial seal, at Newburyport aforesaid, the day, month, and year aforesaid.

WILLIAM MORRIS,
WILLIAM KLOOT.

M. HODGE, Notary publick.

Commonwealth of Massachusetts. Essex, ss.

Be it known, that the foregoing, on this sheet, is a true copy of a certain protest, entered of record in the office of me, the aforesaid Michael Hodge, as notary publick as aforesaid.

In testimony whereof, I have hereunto set my hand, and affixed my notarial seal, at Newburyport aforesaid, this fifth day of December, in the year of our Lord, one thousand eight hundred and five.

(Signed) M. HODGE, *Notary publick.*

NEWPORT, R. I. DEC. 7, 1805.

HON. JAMES MADISON, SECRETARY OF STATE.

SIR,—Subjoined you have a list of American vessels insured by the Rhode Island insurance company, established at this place, which have been captured by some of the powers at war, and in consequence thereof abandoned to said company.

Schooner Polly, of Newport—Owners, John Bigley and Charles Cezzens, both of said Newport—Burden of vessel, about one hundred tons.

Circumstances of the capture.

On the 18th of June, 1803, she sailed from New York, bound on a voyage to Jamaica, and thence back to New York, with a cargo of lumber and provisions ; vessel and cargo of the value of about five thousand dollars. On the 13th day of July following, on her outward passage, lat. 20. 20 north, she was captured by a French privateer called the *Two Friends*, commanded by Beson, if his name be rightly recollected. The master with his papers was taken and detained on board the privateer ; the mate and crew put on board a boat and compelled to leave the schooner and provide for their safety as they might ; fortunately they arrived safe to land. Captain Bigley was put on shore at Miaguiguagua, S. W. part of Port Rico, being first stripped of his papers, and the property about him.

The prize master and men put on board the schooner, conducted her to Samana, in the island of Hispaniola. Vessel and cargo, according to information, were sold there by order of government, and the proceeds deposited in the publick treasury, to be paid over to the concern. The amount of these proceeds is not known ; but report makes it a trifle compared to the value of the property. What or whether any process was instituted against her by the captors is not known, or whether they had any commission ; it is supposed they had none. Owing to the difficulty and infrequency of the communication, it has not yet been in the power of the concern to obtain the proceeds.

Brig *Orange*, of Newport—Owner, Thomas Dennis, of Newport ; master, Stephen A. Wanton, of ditto ; burden of the vessel about tons.

Circumstances of capture, &c.

On the 15th day of June, 1804, she sailed from Newport, bound on a voyage to Jamaica, and from thence back to Newport, with a cargo of dry and pickled fish, &c. valued at about eight thousand dollars. On the day of August, 1804, she was captured by a French privateer, called the commanded by and carried

into Barracoa, and there disposed of by the captors, but in what manner is not known.

Schooner Sea Flower of Newport—Owner, John Clarke, of Newport; master, the same John Clarke; burden of the vessel about ninety-three tons.

Circumstances of the capture.

On the 26th day of December, 1804, within one mile of the shore of the island of Cuba, and in sight of the Moro Castle, and bound to Havana, she was captured by a French privateer, called the Napoleon, and commanded by master. Captain Clarke petitioned the government at the Havana to have the property liberated, as being captured within that jurisdiction. Pending this petition, to avoid delay and expense, captain Clarke made a compromise with the captors, by which he agreed to pay them nine hundred dollars, and they agreed to release the property. He paid the nine hundred dollars, and they executed the release, and the prize master and Frenchmen quitted the vessel. Clarke then informed the government of what had been done, produced the release, and requested the Spanish guard on board the Sea Flower, might be withdrawn. The Spanish government demurred from day to day, on one pretence and another, till at length one of the officers of the privateer presented a new petition, claiming the prize anew. Thereupon the government immediately decreed, that the property should be delivered to the captors, upon their giving bonds to abide the decree of the French government at St. Domingo. The agent of Clarke offered to take the property and deposit in court 24,000 dollars to abide the decree at St. Domingo. This was refused, and bond of the captors was accepted for only eighteen thousand dollars; and the only security required to this bond was a mortgage of some land in a distant part of the island of Cuba. Whether any decree at St. Domingo has since been passed, we have not ascertained; but from the best information, we presume a decree has been passed; the information is contradictory. One report states that the vessel was acquitted, and the cargo condemned, another that both were condemned.

Schooner Ann and Harriott, of Newport—Owners, Robert Stevens and Robert Rogers, of Newport ; master, William Shearman, of Newport ; burden of the vessel about ninety-three tons.

Circumstances of the capture, &c.

On the 17th day of June, 1805, she was captured by a French privateer, called the Lucerne, on her passage to Jamaica ; afterwards on the day of 1805, she was recaptured, by an English frigate of war, called the Diana, and commanded by — Molony, and was sent into Jamaica, where vessel and cargo were libelled and sold for salvage : value of vessel and cargo about ten thousand dollars.

Brig Mary, of Newport—Owner, Thomas Dennis, of Newport ; master John Dennis, of ditto ; burden of the vessel about one hundred tons.

Circumstances of the capture, &c.

On the 8th day of April, 1805, she sailed from Newport for Jamaica, loaded with cod-fish, provisions, &c. that the 26th same month, she was captured by a French armed boat, whether commissioned or not unknown. The crew of the brig were forced into a boat, with some provisions, and driven off to seek their safety as they could. They got to one of the Bahama islands, the master was afterwards put on shore at one of the Bahama islands. The brig and cargo were carried to Barracoa, in the island of Cuba. No process whatever was instituted against the property, by the captors ; they there embezzled the cargo and sold the vessel. The loss is about ten thousand dollars.

The office has an interest in the brig Rowena, Robinson Potter, master, condemned in England in the course of the summer past, but the circumstances of that case are not here detailed, as other offices, who have a greater interest in the same vessel, have already, or will represent them, the vouchers, in proof of the foregoing statements, will be forwarded, if necessary, with perfect confidence that these lawless depredations on our commerce, will be properly felt and noticed by our government. I am, &c.

(Signed)

SAMUEL VERNON, Jun. Prest.

To the Honourable James Madison, Esq. Secretary of State, for the United States.

SIR,

THE Newport Insurance Company deem it their duty to exhibit to the government, a statement of the losses they have sustained during the present war, by the depredations of the belligerent powers. Compared with its limited capital and enterprise, it is presumed there are few offices in the United States that have suffered more.

From the instances mentioned in the sequel, it may be collected, that since the 23d day of July, 1804, the aggregate of loss to the merchants and the country, by lawless captures, exceeds fifty-seven thousand dollars, and that the part thereof that falls to the share of this company, exceeds thirty thousand dollars. The company conceive themselves to be justified in stating, that these losses arose from contingencies which no commercial intelligence could foresee, and upon which no commercial prudence was bound to calculate.

The losses they have to enumerate were sustained in the course of a legal *accustomed* and *honestly neutral* commerce, carried on by *native* American citizens, with American capitals, in *American* bottoms.

These losses may be arranged under two heads:

1st. Captures in the West Indies by piratical privateers, with real or pretended French commissions. The property plundered by these privateers has been uniformly taken into the ports of the island of Cuba, and there, with the connivance or under the protection of the Spanish government, without any form of trial or pretence for legal condemnation, has been sold and distributed.

2d. Captures in the British channel by British armed vessels, in consequence of the new principle lately announced by the courts of admiralty, viz. that in case a vessel has brought goods from the colony of a belligerent, although she brings them to the United States, and the owners there unlade them, pay the importation duties, finish the con-

cerns of the old voyage, and select and undertake another, with the same vessel and goods; it shall not be deemed evidence of a new voyage, but on the contrary, conclusive evidence of a continued and uninterrupted voyage from the colony of the belligerent.

Under the first head have occurred the following cases :

No. 1. Brig Orange, S. A. Wanton, master ; Thomas Dennis, of Newport, Rhode Island, merchant, owner, laden with fish and provisions, bound from Newport to Jamaica ; vessel and cargo valued at \$ 10,000, insured by the Newport Insurance Company, \$ 4,000 on cargo.

Circumstances of capture, &c.

The Orange was taken on the 21st July, 1804, by the French privateer Valtegeuse, Captain Moisson, about six leagues from the island of St. Domingo. The officers and men were stript of every thing, even to the clothes on their backs, and left entirely destitute. The property was taken to *Barracoa*, in the island of Cuba ; no form of trial or condemnation was had. The cargo was distributed by the captors in their own way, and the vessel, it is *believed*, *burnt*.

No. 2. Brig Sally, Stephen Chase, master ; Seth Hoard, owner, bound from Jamaica to the United States ; vessel and cargo estimated at \$ 4,000 ; insured by the Newport Insurance Company, \$ 2,700.

Circumstances of capture, &c.

The captain, in his protest, declares that after being detained by an embargo at Falmouth, in Jamaica, he sailed from thence for Montego Bay on the 28th of April, 1805 ; that he had been out about four hours when he was captured by a *felucca*, within a mile of the shore. The captain of the *felucca* informed captain Chase he was a good prize, and that he had orders to *capture all American vessels* on the coast of Jamaica. The Sally was taken to Cape Coure, in the island of Cuba ; no condemnation or form of trial was had, and captain Chase, and three out of six of his men, after being stript of their clothes, were ordered to take to their *boat*. They did so, and fortunately arrived at Montego Bay on the 29th of the same month.

No. 3. Schooner *American Lady*, Enoch Toby, master, owned by Bowen and Ennis, of Newport, merchants, and others, cargo rum, &c. bound from Jamaica to the United States; value of vessel and cargo \$4,000, insured by the Newport Insurance Company, \$2,950.

Circumstances of capture, &c.

This vessel sailed on the 16th February, 1805, from Morant Bay, south side of Jamaica, bound for Camden, state of North Carolina. On the 20th of the same month, being about five leagues distant from the isle of Pines, she was brought to by a small privateer under French colours, mounting one swivel gun and manned with about fifteen men, principally *Spaniards*. The vessel was taken possession of, carried to the isle of Pines, the captain and men plundered and abused, and left on shore at this desert island without any means of subsistence except a dozen of biscuits and a bottle of rum. They would have perished there had it not been for the compassion of a *Spaniard*, the only inhabitant of the island. The captain and crew remained at this place until another French privateer arrived there, when they were taken at the request of captain Toby, near Savannah La Mar, on the south side of Cuba, from whence they travelled to the *Havana*. The captain noted his protest with the American consul, who attended him to the governour. Captain Toby explained to the governour the ill treatment he had encountered; demanded a restoration of his vessel, which was now within the governour's jurisdiction, and the release of Moses Henly, a free black, one of his crew, who had left a wife and family in the United States, and who was in the greatest distress, as the captors were determined to sell him a slave for life. The governour made little or no reply to captain Toby's remonstrances or petitions. After waiting some time, finding himself unable to obtain redress, he was compelled to abandon the property, and return to the United States.

No. 4. Schooner *Ann and Harriet*, William Shearman, master; vessel and cargo valued at \$10,400; vessel owned by Robert Rogers and Robert Stevens, and the cargo by

John Mein, all of Newport, merchants; bound from the United States to Jamaica; \$ 5,000 was insured by the Newport Insurance Company.

Circumstances of capture, &c.

This vessel was captured on the eighth of May last, by a French privateer, off Cape Maire, in the island of Cuba, and was ordered for St. Jago de Cuba, but upon being chased by the English ship of war Diana, she was run on shore by the *prize master*. After considerable exertions, and throwing overboard a great part of her cargo, she was got off by the *English re-captors*, and taken by them to Kingston, Jamaica, where the vessel and the remainder of her cargo were sold under the process of the court of vice-admiralty there. The salvage of one eighth, which was awarded the re-captors, the destruction of part of the cargo, and the disadvantages under which the residue was sold, render this little less than a total loss.

These are the principal losses sustained by this company, arising from the piratical depredations of privateers in the *West Indies*.

15 cct.

In all these cases abandonments have been made to, and the sums insured paid by, this company.

Under the second head of loss, the two following important cases have occurred:

No. 1. The brig Rowena, Robinson Potter, master—voyage from Newport to Antwerp; vessel and cargo valued at \$ 26,735: owned by Christopher Grant Champlin, Esq. for himself, in his own right, and as administrator of Christopher Champlin, Esq. deceased; sum insured by the Newport Insurance Company, \$ 15,000.

Circumstances of capture, grounds of condemnation, &c.

The owners of the Rowena had imported in her from Martinique, a cargo of sugar and coffee. This cargo was legally landed, and the duties payable to the United States secured. The owners finding no advantageous domestick market for their coffee and sugar, made general inquiries into the state of the European market. They began to

contemplate generally an exportation; but whether that exportation would be to Copenhagen, Amsterdam or Antwerp, or whether it was to be totally abandoned, was a matter in deliberation, and to be determined by the result of their inquiries. After a delay of some weeks it was ultimately decided to send the sugar and coffee to *Antwerp*. For this purpose a new voyage was concerted, a new crew hired, and a quantity of staves the growth of our country (and so expressly and minutely certified by the brig's papers) was added to the original cargo. On the 6th of May last, the *Rowena* sailed from Newport, and on the 16th of June was captured off Ostend, by his Britannic majesty's hired armed cutter the *Griffin*, commanded by lieutenant Forbes. The alleged pretence of capture was a suspicion that the *Rowena* intended to violate the blockade of Ostend.

This pretence, however, totally unsupported by facts or by appearances, was speedily abandoned, and the sole question, at the trial, in the court of admiralty, was, whether the voyage was to be treated upon the footing of one continued voyage from Martinique to Antwerp, *i. e.* from the colony of the *enemy* to the mother country. The judge, Sir William Scott, without entering into any discussion of the above question, or detailing at all the particular facts of this case, referred to his decision in a case immediately pending, *viz.* the *Enoch*, Doane, master, and declared, as he did not see sufficient reasons to distinguish this from the case of the *Enoch*, it must meet the same fate. The case of the *Enoch* is, without doubt, in the possession of government, and although, therefore, comment is unnecessary, and may be even deemed improper, yet we cannot forbear to remark, that the case of the *Enoch* is distinguishable from that of the *Rowena* in a very important particular. The *Enoch*, as Sir William Scott states, was under a charter party before she quitted Boston, to perform the voyage she did perform. Admitting a moment, for the purposes of argument (what can never be admitted in fact, without the prostration of neutral rights, and the destruction of the commerce of the country) that the newly

announced principle of Great Britain is one deducible from the law of nations, and that its application was correct in the case of the *Enoch*, it by no means follows that its application was likewise correct in the case of the *Rowena*. There was no charter party in the latter case ; there was nothing indicating a primary and preconceived intention, viz. at the outset, to go to Europe with the cargo procured in the West Indies. There existed nothing of which the case was first to be cleared, for the claimants to be entitled to the benefit of the rules of evidence, as laid down by the British courts. There was nothing, to speak in the language of those courts, to *shift the burden of proof*. But waving any observations on a difference so obvious, it does seem somewhat extraordinary, that the sentence in the case of the *Rowena* should have been, in reality, one of *more* severity than the sentence in the *preceding* case ; in that the property put on board at Boston was favourably considered and restored. In the case of the *Rowena*, staves of the growth of the United States, and put on board at Newport, were not restored, but included in the undistinguishing clause of condemnation, which, in its style of absurd formality, pronounces the ship and cargo to have belonged, at the time of the capture and seizure thereof, to the enemies of the crown of Great Britain, and as such, or otherwise, liable to confiscation.

Besides the total loss, the company have paid 556 dollars, their proportion of 876 dollars, being the law costs attending the claim.

No. 2. Ship *Hope*, Robert Robinson, master ; owners, George Champlin, Esq. Christopher Grant Champlin, Esq. as administrator of Christopher Champlin, Esq. *and the master* : voyage, from Newport to Amsterdam : value of ship and cargo, 108,631 dollars : insured by the Newport Insurance Company, 15,000 dollars.

Circumstances of the case, capture, &c.

The voyage in which this ship was engaged, previous to the one in which she was captured, was from Newport to

Batavia. She sailed from Newport in February, 1804, and arrived at *Batavia* in the following May. Owing to the scarcity of produce, and the number of ships endeavouring to procure it, after selling a small quantity of iron, which made a part of his cargo, the captain proceeded with his ship and specie to Manilla; he there purchased a cargo of sugar and indigo, and sailed about the 20th of November, 1804, for Newport, where he arrived on the 12th May, 1805. The cargo was landed and delivered, and the importation duties secured to be paid. After a lapse of about six weeks, the owners, not finding a sufficiently favourable market at home, concluded on a *new* voyage, to Amsterdam, for the purpose of re-exporting their sugar and indigo. The ship was, consequently, partially repaired, a *new* crew hired, and the sugar and indigo taken from *warehouses* and re-shipped. The ship sailed for Amsterdam on the 30th June, and was captured by his Britannic majesty's hired armed cutter Swan, lieutenant Cameron, and brought into Yarmouth, where, in consequence of the recess of the admiralty court, she was detained until the 12th of September, 1805, when, upon trial, the ship and cargo were *restored*, but without costs or damages. The condemnation was pressed, on the part of the captors, on the ground of its being a cargo taken in at an enemy's colony, and after touching at America, having been brought on to the enemy's country in Europe, without breaking the *continuity* of the voyage by any *act done*. And in respect to this question, the judge declared there was *no evidence* that the *continuity* of the voyage was interrupted. The cargo of the Hope was purchased in Manilla, in time of profound peace between England and Spain. The ship sailed from Manilla three weeks before the declaration of war, by Spain, against Great Britain, which took place the 14th December, 1804, and about seven weeks before reprisals, on the part of Great Britain; yet still it was urged by the captors, that the cargo was purchased *in contemplation* of war, and the judge agreed, that if that had been proved, it would have operated exactly the same effect as if actual hostili-

ties had taken place : but, he said, as no proof appeared, and the fact being, that war did not commence till after the vessel sailed, he thought it unlikely that Americans would speculate upon the subject. But supposing, says he, that it was an *importation* from *Manilla* to Amsterdam, at this period, it would have been an importation *perfectly legal*, and all transactions in America may be laid out of the question ; yet, for being engaged in a voyage perfectly legal, after having had that voyage ruined by an illegal capture, the owners of the *Hope* were denied indemnity for damages sustained, and compelled to pay costs, expenses, and law charges, to the amount of 260 pounds sterling, about 40 pounds of which were exactions for light money, and Ramsgate and Dover harbour dues.

Such is the statement which this company, at the present juncture, has to make to the government of the United States. The various protests, decrees, and other documentary evidence, confirmatory of this statement, shall be forwarded, when deemed necessary by government.

The Newport Insurance Company have a hope and confidence, that the general government, whose right it is to regulate, would feel it their duty to protect commerce : that means will be found, in the wisdom and energy of government, to procure *speedy compensation* to the sufferers, and redress to the nation for its *violated* rights and dignity.

With sentiments of high respect, I remain, on behalf of said company, your obedient servant,

(Signed) SAMUEL ELAM, *President*.

Newport, R. I. Dec. 11th, 1805.

[COPY.]

Marine Insurance Office, New York,
May 15, 1805.

JAMES MADISON, ESQ.

ON the trial of several vessels, taken on their voyage from this port to Curracoa, the enclosed certificate from Admiral Duckworth, was adduced as evidence of the blockade of that island, and had, without doubt, great influence in

their condemnation. It is proper to say, that no such blockade was ever promulgated, or known here ; neither was it, as is usual in such cases, communicated to the masters of these vessels, but on the contrary, they were taken possession of and sent to Jamaica, and there condemned as " enemy's property." As our publick offices are deeply interested in these decisions, it becomes necessary for us to know whether this communication was ever made to our government, and if so, in what light it was received, or considered, for on this, will our success on the appeals depend ; and that you may have a correct view of the business, we cover you the masters' protests of the five vessels wherein we are more immediately concerned, from which, the facts herein stated will appear, and on which we request your advice and opinion for our government in accepting, or rejecting, some overtures made us by the captors ; and on this subject, it is proper to add, that when successful in an appeal, we sustain great injury from the sale, or valuation, of property. This arises from forced sales, or appraisement of goods not adapted to the market, and is a subject well worth the attention of the government. We will illustrate this grievance by a recent case. A vessel worth seven thousand dollars was lately sold in Jamaica for one thousand ; of course our recovery is limited to this sum.

We are with great respect, sir, the Marine Insurance Company of New York, by

W. NEILSON, *President.*

Certificate of the blockade of Curracoa, filed 30th July, 1804.

THIS is to certify, whom it may concern, that I, Sir John Thomas Duckworth, knight of the Bath, vice admiral of the blue squadron, and commander in chief of his majesty's ships and vessels employed at Jamaica, Bahama Islands, and seas adjacent, deeming it for the good of the king's service, and for the annoyance of the enemy, did direct the port of Amsterdam, in the island of Curracoa, to be block-

aded by part of the naval force under my orders, and that notification of such blockade be transmitted to the British minister in America, and to the governours of the Danish and Swedish islands, also, of Curracoa, and other Spanish ports, on the 2d day of March, 1804. And I do further certify, that the receipt of the said notification is acknowledged by the British minister, and that it was communicated by him to the government of the United States of America, in the month of April following.

Given under my hand, on board his majesty's ship Shark,
in Port Royal harbour, this 30th day of July, 1804.

UNITED STATES OF AMERICA.

State of New York, ss.

By this publick instrument, be it known to all [L. s.] whom the same doth, or may concern, that I, Edward W. Laith, a notary publick, in and for the state of New York, by letters patent, under the great seal of the said state, duly commissioned and sworn, and in and by the said letters patent, invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing, and to administer any oath, or oaths, to any person, or persons," do hereby certify, that on the day of the date hereof, personally came and appeared before me, the said notary, at the city of New York, Abraham S. Hallett, of the city of New York, merchant, one of the society of the people called Quakers, the person named in the annexed affirmation, who being by me duly affirmed, according to law, did declare and affirm, that the contents of the said affirmation subscribed by him, were true.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said state of New York, the fourth day of May, in the year one thousand eight hundred and five.

(Signed)

E. W. LAITH, *Not. Pub.*

UNITED STATES OF AMERICA.

City of New York, ss.

ABRAHAM S. HALLETT, of the city of New York, merchant, being duly affirmed, according to law, saith, that the annexed instrument of writing is a true and accurate copy of the protest which this affirmant received from Jamaica, and that John Bell, the master therein mentioned, is not at present in the city of New York; and he further saith, that he was the true and lawful owner of the brig *Bulah Maria*, and of her general cargo, on her late voyage; and that no person whatever, being a subject, or subjects, of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian republicks, or inhabiting any of the territories of France, or of the United Provinces, or the said republicks, nor their factors, or agents, nor any other enemies of the crown of Great Britain, had at the time of the capture of the said vessel, any right, title, or interest, either directly, or indirectly, in and to the said brig the *Bulah Maria*, her tackle, apparel, and furniture, or in, or to the cargo before mentioned, or any part thereof, but that the said brig the *Bulah Maria*, her tackle, furniture, ammunition, and apparel, and her general cargo, did, at the time of the sailing of the said vessel from New York, and at the time of the capture thereof, belong to this affirmant, and would have so belonged to him in case the said vessel had arrived in safety at Curacao, her port of destination, and until the same had there been sold and disposed of, for and on the account and benefit of this affirmant. And this affirmant further saith, that he was not at the time of the shipping of the cargo on board of the said vessel, or at any time after, nor is he at this present time, engaged in any partnership in any house of trade belonging to any person, or persons, enemies of the crown of Great Britain, residing within any of the territories of France, or of the United Provinces, or the Batavian, Italian, or Ligurian republicks; and he further saith, that he is a natural born citizen of the United States of America, and

was at the time of the sailing of the said vessel on the voyage before mentioned, and still is a resident of the city of New York. And this affirmant further saith, that when he despatched the said vessel on the voyage aforesaid, he did not know that the said island of Curracoa was in a state of blockade.

ABRAHAM S. HALLETT.

Affirmed the 4th May, 1805, before me,

E. W. LAITH, *Not. Pub.*

Jamaica, ss.

JOHN BELL, at present of the city and parish of Kingston, in the county of Surry, in the said island, master mariner, late master of a certain brig or vessel called the Bulah Maria, and Samuel Sargeant, at present of the said city and parish of Kingston, and apprentice to the said John Bell, and lately employed in that capacity on board the said brig, being duly sworn on the holy evangelists of Almighty God, severally and respectively make oath and say : That on or about the 25th day of November last past, they, these deponents, sailed in and on board of the brig Bulah Maria, from the port of New York, in the United States of North America, the said brig being cleared out and bound for the island of Curracoa, with a cargo on board her, consisting of provisions and a few other articles, consigned to Mr. Joseph Foulke, a resident merchant at the said island of Curracoa ; and these deponents further severally make oath and say : that in the prosecution of the said voyage, to wit, on or about the fifteenth day of December now last past, the said brig was brought to, and boarded by his Britannic majesty's sloop of war King Fisher, the captain whereof examined the said brig's papers, and then suffered her to proceed on her said voyage. And these deponents further severally make oath and say, that on the nineteenth day of the said month of December, the said brig Bulah Maria, then being under the lee of the island of Bonairo, was brought to and boarded by a small schooner, a tender, as these deponents believe, to his Britannic majesty's ship of war Franchise, and afterwards boarded by a boat belonging to the said ship of war Franchise, the officer in which took

this deponent the said John Bell and all his crew (except the said Samuel Sargeant) out of the said brig, together with the said brig's papers, and carried them on board the said ship of war Franchise; and this deponent, the said John Bell, for himself further saith, that after he, this deponent had delivered up his papers to the honourable John Murray, Esq. captain of the Franchise, he ordered this deponent to return on board the said brig, informing him at the same time that he should examine his papers as of the next day; and after keeping the brig two days beating after the ship, he then sent an officer together with Hall, one of the crew of the said brig, on board, with directions to the officer who had the charge of the said brig, to take her down to Jamaica, having previous thereto taken from on board the said brig six barrels of flour, four barrels of apples, two or three hundred bunches of onions, some candles, and sundry other articles. And this deponent, the said John Bell, further saith, that after the arrival of the said brig at Port Royal, in the island of Jamaica aforesaid, which was on the twenty-fourth day of the said month of December, sundry quantities of apples, onions and cheese were taken out of the said brig, and after her arrival at the port of Kingston, in the said island, sundry articles of her cargo were in like manner taken thereout by the persons having the charge thereof, or by their privity or permission: And this deponent, the said John Bell, further saith, that since his arrival in this island, he hath been informed that the said brig and cargo were captured on the ground of an intentional breach of blockade: And this deponent, the said John Bell, also saith, that the said brig and cargo were proceeded against in the court of vice-admiralty of the island of Jamaica aforesaid, and that he, this deponent, caused a claim to be put in for the same, on behalf of the respective owners thereof; but the said brig and cargo (except the private adventures of this deponent and the mate of the said brig) have been by the said court condemned, and confiscated: And these deponents severally further say, that all the persons composing the crew of

the said brig *Bulah Maria*, except these deponents and the said Hall, were detained, and kept on board the said ship *Franchise*, which said ship is not arrived in this island, to the knowledge or belief of these deponents: and lastly, these deponents, the said John Bell for himself saith, that upon the arrival of the said *Bulah Maria* in this island, the said Hall went away from the said brig, and this deponent hath never seen or heard any thing of him since; by reason whereof, and of the aforesaid detention of the mate and the rest of the crew of the said brig, this deponent is deprived of the benefit of the testimony of any of his said crew, except his apprentice, the said deponent Samuel Sargeant, herein before named.

(Signed)

JOHN BELL,

SAMUEL SARGEANT.

Sworn before me this 16th day of January, 1805.

WM. SAVAGE, *Magistrate*.

UNITED STATES OF AMERICA.

State of New York, ss.

By this publick instrument, be it known to all whom the same doth or may concern, that I, Edward W. Laith, a publick notary, in and for the state of New York, by letters patent under the great seal of the said state, duly commissioned and sworn; and in and by the said letters patent, invested "with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing; and to administer any oath or oaths, to any person or persons," do hereby certify, That on the day of the date hereof, before me, the said notary, at the city of New York, personally came and appeared, Abraham S. Hallett, of the said city, merchant, and one of the society of people called Quakers, the person named in the annexed affirmation, who, in my presence, subscribed the same, and being by me duly affirmed, according to law, did declare and affirm, that the contents of the same were true.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said state of New York, the fourth day of May, in the year one thousand eight hundred and five. E. W. LAITH, *Not. Pub.*

Jamaica, ss.

HEZEKIAH PINKHAM, at present of the city and parish of Kingston, in the county of Surry, and island aforesaid, master mariner, late a master on board the schooner *Favourite*, from New York, in the United States of America, and Charles Coffin, also at present of the city and parish of Kingston aforesaid, mariner, mate on board the said schooner, being respectively duly sworn on the holy evangelists of Almighty God, severally make oath and say, that on Monday the 8th of October, now last past, the said schooner *Favourite* sailed from New York aforesaid, with a cargo on board, consisting of flour, corn, Indian meal, spermaceti candles, tobacco, butter, and other articles, the property of, and belonging to Abraham S. Hallett, of the said city of New York, merchant, destined to the island of Curracoa, and consigned to Mr. Joseph Foulke, a resident merchant; and also having on board two private adventures, the property of, and belonging to Gilbert Shotwell, and Charles Evers, clerks in the said mercantile house of the said Abraham S. Hallett. And these deponents severally make oath and say, that they continued on their said voyage without meeting with any material occurrence, and at 10 A. M. on Thursday, the first day of the month of November, now last past, they made the island of Antigua, bearing south west by south, distant nine leagues, and on Friday, the ninth day of the said month of November, they made the island of Bonair, bearing north by east, distant about three leagues; shortly after which the said schooner was brought to by his Britannic majesty's ship of war *Diana*, Thomas James Maling, Esq. commander, and his Britannic majesty's sloop of war *Pelican*, John Marshall, Esq. commander, and afterwards made prize of by them, on the ground, as they informed these deponents, that the said schooner was destined to a blockaded port, and thereupon the said schooner was sent down to Port Royal, in

this island, for adjudication, where the said schooner arrived, on the twenty-first day of the said month of November; and these deponents further severally make oath and say, that shortly after the arrival of the said schooner in Port Royal aforesaid, the said Thomas James Maling and John Marshall, on behalf of themselves, their officers, seamen and mariners, instituted a suit in the vice-admiralty court of the said island, against the said schooner, and cargo on board her; and this deponent, the said Hezekiah Pinkham, having caused a claim to be filed to the said schooner and cargo, and private adventures on board her, on behalf of the respective owners thereof, the same came to be heard, at a court of vice-admiralty held in the city and parish of Kingston aforesaid, on Monday the 17th of November, now instant, when his honour the judge of the said court was pleased to condemn the said schooner *Favourite* and cargo, and clerks' adventures; but from which said sentence this deponent's counsel prayed leave to appeal, and which was granted in the usual form.

(Signed)

HEZEKIAH PINKHAM,
CHARLES COFFIN.

Sworn before me this 19th day of November, 1804.

(Signed)

WILLIAM SAVAGE.

UNITED STATES OF AMERICA.

City of New York, ss.

ABRAHAM S. HALLETT, of the city of New York, merchant, being duly affirmed, according to law, saith, That the annexed instrument of writing is a true and accurate copy of the protest which this affirmant received from Jamaica, and that Hezekiah Pinkham, the master of the schooner *Favourite* therein mentioned, is not at present in the city of New York, to the knowledge of this affirmant; and he further saith, that he was the true and lawful owner of the schooner *Favourite*, and of her general cargo, on her late voyage, and that no person or persons whatever, being a subject of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian republicks, or inha-

biting within any of the territories of France, of the United Provinces, or the said republicks, nor their factors or agents, nor any other enemies of the crown of Great Britain, had at the time of the capture of the said vessel, any right, title, or interest, either directly in and to the said schooner the *Favourite*, her tackle, apparel, and furniture, or in or to the cargo before mentioned, or any part thereof; but that the said schooner the *Favourite*, her tackle, apparel, and furniture, and her general cargo, did at the time of the sailing of the said vessel from New York, and at the time of the capture thereof, belong to this affirmant, and would so have belonged to him, in case the said vessel had arrived at Curracoa, her port of destination, and until the same had there been sold and disposed of for and on the account and benefit of the affirmant: And this affirmant further saith, that he was not at the time of shipping the cargo, on board of the said vessel, or at any time after, nor is he at this present time engaged in any partnership in any house of trade belonging to any person or persons enemies of the crown of Great Britain, residing within any of the territories of France, or of the United Provinces, or the Batavian, Italian, or Ligurian republicks; and he further saith, that he is a natural born citizen of the United States of America, and was at the time of the sailing of the said vessel on the voyage before mentioned, and still is a resident of the city of New York: And this affirmant further saith, that when he despatched the said vessel on the voyage aforesaid, he did not know that the said island of Curracoa was in a state of blockade.

(Signed)

ABRAHAM S. HALLETT.

Affirmed this 4th May, 1805, before me,

E. W. LAITH, *Not. Pub.*

UNITED STATES OF AMERICA.

City of New York, ss.

THOMAS STAGG, jun. of the city of New York, merchant, being duly sworn, deposeth and saith, that he, together with Thomas Snell and Peter Stagg, likewise of the city of New York, merchants, were the true and lawful

owners of the brig Lapwing, Lemuel Bourne, master, on her late voyage to Curraëoa, and of the cargo on board of the said vessel, and that no person or persons whatever, being a subject or subjects, citizen or citizens of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian republicks, or inhabiting within the territory of France, of the United Provinces, or of the Italian, Batavian or Ligurian republicks, their factors or agents, or any other enemies of the crown of Great Britain, had, either directly or indirectly, any right, title, or interest in the said brig the Lapwing or her cargo, or any part thereof, at the time of her sailing from New York, on her late voyage, or at the time of her capture, but that the said vessel and her cargo belonged to this deponent and the said Thomas Snell and Peter Stagg, and would so have continued to have belonged to them, had the said vessel arrived in safety at her port of destination, and until the said cargo had there been sold and disposed of, for and on account of this deponent and the said Thomas Snell and Peter Stagg; and this deponent further saith, that he was not, nor were the said Thomas Snell and Peter Stagg, jun. or either of them, at the time of the sailing of the said vessel on the voyage aforesaid, or at any time after, nor are they, or either of them, at this present time, engaged in any partnership, in any house of trade belonging to any person or persons enemies of the crown of Great Britain, residing within any of the territories of France, of the United Provinces, or of the Batavian, Italian, or Ligurian republicks. And he further saith, that he is a natural born citizen of the United States of America, and that the said Thomas Snell and Peter Stagg are likewise natural born citizens of the United States, and that he, this deponent, and the said Thomas Snell and Peter Stagg, were at the time of the shipping of the cargo on board of the said vessel, in the voyage aforesaid, and still are residents in the city of New York, carrying on trade under the firm of Snell, Stagg and Co.; and this deponent further saith, that he did not know at the time of the sailing of the vessel on the voyage aforesaid, that the island of Curraëoa was in a state of blockade.

And this deponent further saith, that the annexed instrument of writing is a true and accurate copy of the protest received by this deponent from Jamaica.

(Signed) **THOMAS STAGG, JUN.**

Sworn this tenth day of May, 1805, before me,

E. W. LAITH, Not. Pub.

UNITED STATES OF AMERICA.

City of New York, ss.

I, **EDWARD W. LAITH**, a publick notary for the state of New York, do hereby certify, that on the 10th day of May, in the year of our Lord one thousand eight hundred and five, personally appeared before me **Thomas Stagg, jun.** the person named in and who subscribed the aforegoing affidavit, and was by me duly sworn to the contents of the affidavit by him before subscribing.

Quod Attestor, **E. W. LAITH, Not. Pub.**

Jamaica, ss.

LEMUEL BOURNE, at present of the city and parish of Kingston, in the county of Surry, in the said island, and master mariner, late master of the brig *Lapwing*, from New York in the United States of America, and **Charles Selden**, also at present of the city and parish of Kingston aforesaid, mariner, late mate on board of the said brig, being respectively duly sworn on the holy evangelists of Almighty God, severally make oath and say, that on the 28th day of October now last past, the said brig *Lapwing* sailed from New York aforesaid, with a cargo on board of her consisting of dry goods, cheese, claret, flour, provisions and lumber, the property of, and belonging to Messrs. **Snell, Stagg and Co.** of the said city of New York, merchants and copartners, destined for the island of *Curracoa*, and consigned to a **Mr. Joseph Foulke**, merchant there; and these deponents severally make oath and say, that they did not speak with any vessel, nor meet with any material occurrence during their voyage, save only that the said brig *Lapwing* was very leaky from the commencement of her voyage, and continued so until the time of her capture;

as herein after is mentioned, insomuch as to render it necessary to pump every quarter of an hour. And these deponents further severally make oath and say, that at 8 A. M. on Monday, the twelfth day of November now last past, they saw the island of Bencaire, and at 2 P. M. on the last mentioned day, when off the east end of Curracoa, the said brig was captured by his Britannic Majesty's ship of war Diana, Thomas James Maling, Esq. commander, and sloop Pelican, John Marshall, Esq. commander, on the pretence, as they informed these deponents, that the said brig was bound to a blockaded port. And these deponents further severally make oath and say, that the said John Marshall took this deponent, Lemuel Bourne, and the whole of the crew, except this deponent, Charles Selden, and one sick man, out of the said brig Lapwing, on board the said sloop Pelican, and ordered the said brig Lapwing down to this island for adjudication. And these deponents further severally make oath and say, that the said brig Lapwing arrived in the harbour of Port Royal, in the said island of Jamaica, on the twenty-first day of the said month of November, and shortly after the said Thomas James Maling and John Marshall, on behalf of themselves and their officers, seamen, marines and mariners, instituted a suit in the vice-admiralty court of the said island against the said brig Lapwing and the cargo on board her; and this deponent, the said Lemuel Bourne, further saith, that having caused a claim to be filed in the said court, to the said brig's cargo, on behalf of the said Messrs. Snell, Stagg and Co. the owners thereof, the same came on to be heard at the city and parish of Kingston aforesaid, on Monday the 17th day of December now instant, when his honour the judge of the said court was pleased to condemn the said brig and cargo, from which said sentence this deponent's counsel prayed leave to appeal, and which was granted in the usual forms.

(Signed)

LEMUEL BOURNE,
CHARLES SELDEN.

Sworn before me, this 19th December, 1804.

(Signed)

WILLIAM SAVAGE, *Magistrate.*

UNITED STATES OF AMERICA.

State of New York, ss.

By this publick instrument, be it known to all whom the same doth, or may concern, that I, Edward W. Laith, a publick notary in and for the state of New York, by letters patent under the great seal of the said state, duly commissioned and sworn, and in and by the said letters patent invested with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing, and to administer any oath, or oaths, to any person, or persons, do hereby certify, that the writing hereunto annexed, is a true and accurate copy of a protest, signed Thomas Brown, and purporting to be sworn to by George Kinkead, which said protest appears to me, the said notary, to be an original instrument, which said copy hereunto annexed, I the said notary, have this day duly collated with the said original protest, and find the same to be, in all respects, a true and accurate copy of the said original.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said state of New York, the ninth day of May, in the year one thousand eight hundred and five.

E. W. LAITH, *Not. Pub.*

Jamaica, ss.

Stamp,
1 shilling and
8 pence. THOMAS BROWN, late of Perth Amboy, in the county of Middlesex, in the state of New Jersey, in North America, a native citizen of the United States of America, but at present in the city and parish of Kingston, in the county of Surry, and in the island of Jamaica, mariner, late master of the American schooner Bethia, belonging to James Parker, Joseph March, and Cortlandt L. Parker, of Perth Amboy, aforesaid, merchants, and native citizens of the United States aforesaid, being duly sworn, solemnly maketh oath and deposeth, that the said schooner Bethia, under this deponents com-

mand, sailed from the port of Perth Amboy, aforesaid, about the second day of December, last past, being in the year of our Lord one thousand eight hundred and four, bound to the island of Curracoa, with a cargo of provisions, the property of the said James Parker, Joseph March, and Cortlandt L. Parker. That he proceeded on his said intended voyage, without any material occurrences, and without meeting with any interruption, until the 22d day of said month of December, when being off the said island of Curracoa, the said schooner was boarded, and forcibly taken possession of by an officer and seamen from his Britannic majesty's ship of war La Franchise, the honourable John Murray, Esq. commander, who took out of the said schooner the Bethia, the mate and all the crew. And this deponent further saith, that the schooner Bethia, then under the command of a prize master, and four English seamen, continued in company with the said ship La Franchise until 6 P. M. on the same day, when the prize master bore away for the island of Jamaica, aforesaid, by order of the said honourable John Murray, Esq. and arrived in Kingston, aforesaid, on the 28th day of said month of December. The said schooner being much damaged in her sails and rigging by the inattention of the prize master; and this deponent further maketh oath and saith, that the agents of the said ship La Franchise, having proceeded against the said schooner Bethia, and cargo, in the court of vice-admiralty, in the said island, for an intentional breach of blockade, this deponent caused a claim to be put in for the same, on behalf of the aforesaid owners. That on the 12th day of January, instant, the same came on to be heard, when, his honour, the judge of the said court, was pleased to condemn the said schooner and cargo, as prize to his Britannic majesty's ship of war La Franchise.

(Signed)

THOMAS BROWN.

Sworn before me this day of January, 1805.

(Signed)

GEORGE KINKEAD.

UNITED STATES OF AMERICA.

State of New York, ss.

By this publick instrument be it known to all whom [L.s.] the same doth or may concern, that I, Edward W.

Laith, a publick notary, in and for the state of New York, by letters patent under the great seal of the said state, duly commissioned and sworn, and in and by the said letters patent, invested with full power and authority to attest deeds, wills, testaments, codicils, agreements, and other instruments in writing; and to administer any oath or oaths, to any person or persons, do hereby certify, that on the day of the date hereof, before me the said notary, at the city of New York, personally came and appeared Jaques Ruden and Israel Benjamin Jacobs, who in my presence then and there respectively subscribed the affidavits hereunto annexed, and each being by me duly sworn, deposed and said that the contents of the affidavit by him were true.

Whereof an attestation being required, I have granted this under my notarial firm and seal.

Done at the city of New York, in the said state of New York, the 9th day of May, in the year one thousand eight hundred and five. (Signed) E. W. LAITH, Not. Pub.

UNITED STATES OF AMERICA.

City of New York, ss.

JAQUES RUDEN of the city of New York, merchant, being duly sworn, saith, that he was the true and lawful owner of the American schooner the Performance, Isaiah Smart, master, her tackle, apparel, and furniture, and of the general cargo laden on board her at the city of New York, the tenth of December, one thousand eight hundred and four, the said schooner then lying in the harbour of New York, and bound on a voyage to Curracoa. And this deponent further saith, that no person or persons whatever, being a subject or subjects, citizen or citizens of France, or of the United Provinces, or of the Batavian, Italian, or Ligurian republicks, their factors or agents, nor any other enemies of the crown of Great Britain, had at the time of

the shipping of the said cargo, or at the time of the capture of the said schooner, any right, title or interest, either directly or indirectly in and to the said schooner, her tackle, apparel and furniture, or to her cargo so laden on board of her by this deponent as aforesaid, or to any part thereof; but that the said schooner and her cargo aforesaid, did at the time of the departure of the said vessel on the voyage aforesaid, and at the time of her capture, belong to this deponent, and would so have belonged to him had she arrived in safety at Curracoa, the port of destination. And this deponent further saith, that he is a citizen of the United States of America, and was at the time of the shipping of the said cargo, and still is a resident of the city of New York.

JAQUES RUDEN.

Sworn this 9th day of May, 1805, before

E. W. LAITH, *Not. Pub.*

Jamaica, ss.

ISAIAH SMART, at present of the city and parish of Kingston, in the county of Surry, in the said island, master mariner, master of a certain schooner or vessel called the Performance, Israel Benjamin Jacobs, at present of the said city and parish of Kingston, late supercargo on board of the said schooner, Benjamin Remington, at present of the same place, mariner, the mate of the said schooner, and Zechariah Rhodes, at present also of the same place, mariner, a seaman on board of the said schooner, being duly sworn on the holy evangelists of Almighty God, severally and respectively make oath and say, that on or about the 13th day of December now last past, they, these deponents, respectively departed and sailed, in and on board the said schooner or vessel called the Performance, from the port of New York, in the United States of North America, cleared out for and bound to the island of Curracoa, with a cargo consisting of provisions and a few bales of dry goods, the property of Jaques Ruden, of the city of New York, merchant, consigned to this deponent, the said Israel Benjamin Jacobs, for sales and returns. And these

deponents further severally make oath and say, that after their departure from New York as aforesaid, they proceeded on their voyage for and towards Curracoa aforesaid, without any thing material happening (except meeting with several gales of wind) until about six o'clock in the morning of the 4th day of January last, when they had come in sight of the island of Bonaire, which was at that time bearing s. s. w. and distant about three leagues; and these deponents say, that they made all sail, and run down with the said schooner close under the north west point of the said island of Bonaire, making the best of their way for Curracoa; and that about nine o'clock in the morning of the said last mentioned day, a sail, which afterwards proved to be his Britannic Majesty's ship Franchise, commanded by the honourable John Murray, Esq. was described from the said schooner to the eastward, close under the said island of Bonaire, which sail immediately bore down for the said schooner: And these deponents further severally say, that the said schooner continued to make all sail for Curracoa, and the said ship Franchise chased the said schooner, firing frequently at her, till about 11 o'clock on the same day, when, the Peak of the said island of Bonaire bearing east north east, three or four leagues distant, and the Platform at Curracoa bearing south west, and the said ship Franchise drawing near, the said schooner hove to, for her to come up, which she did in a short time afterwards, and a boat was then sent from her on board the said schooner, with orders for these deponents, the said Isaiah Smart, Israel Benjamin Jacobs, and Benjamin Remington, to go on board the said ship Franchise; and these deponents, the said Isaiah Smart, Israel Benjamin Jacobs, and Benjamin Remington, for themselves, respectively, further severally say, that in pursuance of the aforesaid orders, did go on board the Franchise, carrying with them all the papers belonging to the said schooner and her cargo, and that the honourable John Murray, Esq. the commander of the said ship, afterwards (and without warning off the said schooner from entering Curracoa) took posses-

sion of the said schooner, and sent on board of her a prize master and crew, from the Franchise (together with these deponents) with orders to proceed with the said schooner for the island of Jamaica aforesaid, where she arrived on the 9th day of the said month of January last. And these deponents further severally say, that since the arrival of the said schooner in this island, she hath been, together with her cargo, proceeded against in the court of vice-admiralty of the said island; and these deponents, the said Isaiah Smart, and Israel Benjamin Jacobs, caused a claim to be interposed for the same; but the said schooner and her cargo (except the private adventures of these deponents, the said Isaiah Smart and Benjamin Remington) have been, by the said court, condemned and confiscated as good and lawful prize to his Britannic Majesty's said ship Franchise, on the ground, as these deponents are informed, and believe, of an intentional breach of blockade.

(Signed)

ISAIAH SMART,
B. JACOBS,
BENJAMIN REMINGTON,
ZECHARIAH RHODES.

Sworn before me this 11th day of February, 1805.

WM. SAVAGE, *Magistrate.*

UNITED STATES OF AMERICA.

City of New York, ss.

ISRAEL BENJAMIN JACOBS, at present in the city of New York, merchant, being duly sworn, deposeth and saith, that he was the supercargo of the schooner Performance, on her late voyage, and that the foregoing is a true and accurate copy of the original protest made at Jamaica, and that the facts therein set forth are true in all respects.

I. B. JACOBS.

Sworn this 9th day of May, 1805, before me,

E. W. LAITH, *Not. Pub.*

BRITISH CAPTURES, &c.

Schooner Charlotte, Masterton.

INSURED for B. Dupoy, 19th Oct. 1803, from Cape
Francois to New York.

On cargo \$ 11,000, & 1-2 per cent. 10,780

This cargo consisted solely of coffee, purchased and received from the French government for the outward cargo sold to them, and it was at all times the true and bona fide property of B. Dupoy the assured.

This vessel sailed from Cape Francois 19th October, 1803, and on the same day, going out of the harbour, was taken by the British frigate *Æolus*, then lying there, and by commodore Loring, of the British M. W. ordered for Jamaica. On the 24th, at midnight, captured by a French privateer commanded by one John Madelean, who carried them to St. Jago de Cuba. The captain applied to the governour for redress, but none was afforded; the most part of the cargo taken out of the vessel, and the remainder offered for sale.

Schooner Independence, James Taylor.

INSURED for B. Dupoy, 25th October, 1803, from
New York to Cape Francois.

If forbid entering Cape Francois, to proceed to any
other port in the West Indies not blockaded,

Vessel, 2,200

Cargo, 3,300

6,574

Particulars of cargo. 12 casks of claret; pork, beef, flour, lard, cheese, sweet oil, soap, candles, onions, and empty bags. This vessel was within three leagues of the harbour of Cape Francois on the 16th November, 1803, his Britannic Majesty's sloop of war *La Blanche*, and three others cruising off the harbour, and his register endorsed by captain Mudge, of the *La Blanche*, not to enter said harbour, or go within three leagues of it; if he did, he should take possession of said schooner. In half an hour

after the captain returned on board, a boat from the *Bellephron* took charge of and ordered the schooner *Independence* for Jamaica, and she arrived there the 26th November. This vessel was condemned in Jamaica, and the cost to the owners enormous.

Ship Mercury, Speck.

INSURED for John Juhel 24th July, 1804, from Martinique to New York.

In cargo, 10,000

Cargo, 217 hhds. clayed, 6 do. Muscovado and one tierce brown sugar. This vessel was captured 11th September, 1804, by the *Galatea* frigate, *Heathcote*, carried to Antigua, and there condemned on the 7th October, 1804.

This vessel was a fine French ship, purchased in Martinique by Archibald A. Cock, for account of his master John Juhel, of New York. A. A. Cock had been sent to Martinique to collect debts chiefly arising from cargoes, sent there while under the British government, due the said John Juhel, to receive consignments of cargoes from him, to make contracts for sugar and coffee, and to pay for the same from proceeds of the outward cargoes, and make returns to New York.

So far as can be collected from the papers, it appears that A. A. Cock was considered as domicile at Martinique; and consequently affects the property of his master, a citizen of the United States, but is generally condemned as enemy's property.

Schooner Nancy, Hurd.

Insured for John Juhel, 5 March, 1804, from New York, to Martinique, and if ordered away by a British cruiser, to proceed to St. Thomas, and from thence to New York, warranted American property, in cargo \$ 8,500, 8,527

Cargo of this vessel, sugar and coffee. This vessel arrived at Martinique, without interruption, and on the homeward voyage was captured on the 29th April, 1804, by the

frigate Boston, captain Douglas, sent to and condemned at Halifax, for a breach of blockade of Martinique, notwithstanding the orders to commodore Hood, respecting the blockade of Martinique and Guadaloupe.

An appeal is preferred to the lords in England.

Brig Jefferson J. Crocker.

Insured for Ignatius P. Longchamp, 28th June, 1804,
from Bordeaux to New York.

Vessel \$ 4,000

Cargo 12,000 16,000

Cargo consisted of wines, brandy, and some other articles. This vessel was purchased in France with property left there by him and for his sole account. The cargo also purchased from the same means, the amount left in France in debts due Mr. Longchamp, as appears from sundry documents.

This vessel was captured off the Hook, on the 26th July, by the Cambrian and Leander, ordered for Halifax, the vessel and cargo condemned the 24th September, 1804.

This is a flagrant act of injustice. The only cause for condemnation, we can discover, is, that Mr. Longchamp had been in France, in the last three years, and that his brother was a conscript in the French service.

Mr. J. P. Longchamp is a native of Avignon.

An appeal is preferred to the lords in England.

Ship John, Patterson, from New Orleans to Bordeaux.

Insured for Joseph Thibaud, 13th March, 1805.

Cargo \$ 4,000. 4,000.

The John sailed from the Balize, on the 28th February, 1805, with a load of cotton, sugar, indigo, logwood, and mahogany; on the 30th of the same month, in lat. 36, 40, N. and long. 64, 00, W. was captured by the Cambrian, M. W. captain Beresford, and ordered to Halifax. The ship is condemned on the ground that Mr. Carricabara, the former owner, a French citizen, never duly authorized Mr. Thibaud to make sale of the ship. The fact is, that

Mr. Thibaud, the agent of Carricabara did endeavour to sell the ship, but could not effect it: finally, he becomes himself the purchaser, and the amount passed to the credit of Mr. Carricabara. Afterwards Mr. Thibaud sold a moiety of said ship to a Mr Ignatius Longchamp, and gave him a bill of sale therefor.

The above cargo is condemned merely because it does not appear to the vice-admiralty court at Halifax, what property Mr. Thibaud had at New Orleans to make the purchase.

Ship John, Patterson.

Insured from New Orleans to Bordeaux for Joseph Thibaud.

Cargo, \$ 11,800. 11,800

On sugar and indigo, the property of Mr. P. Lanusse, of New Orleans.

This property is reserved for further proof.

Schooner Aramintha, Smith.

Insured for J. P. Durand, 31st July, 1804, at and from Cayenne to New York.

Cargo \$ 12,000. 12,000.

Cargo consisting of rocoa, cotton, cocoa, and palm oil. This vessel sailed from Cayenne on the 18th July, 1804, and on the 15th August following was captured within four leagues of the light house of Sandy Hook, by the Leander, B. M. W. Skeene, commander, and ordered for Halifax, where they arrived on the 27th of the same month.

The Aramintha's cargo was condemned at Halifax, on the ground (so far as we can collect) that Mr. Durand did not account for the means of purchase, and that the outward cargo, belonging to another person, was contraband of war.

Ship Manhattan.

Insured for Frederick and Philip Rhinelander, the
14th June, 1804, from New York, to Batavia, one
other port in India, and back to New York.

In vessel \$ 40,000 valued at that sum, . . . 40,000

This vessel was chartered for a voyage to Batavia and back, by Messrs. Minturn and Champlin, of New York, a cargo was purchased at Batavia for their account consisting of sugar, coffee, indigo, cotton yarn, and spices. On the return was captured by the British armed brig *Busy*, captain . . . carried to Bermuda, where after much trouble, delay, and expense, the vessel was restored, as was the cargo also, but the captors appeal from the sentence, as it appears, merely for the purpose of creating profits from commission to the friends of the captors in Bermuda. The sole cause of capture so far as can be learned, was, that a Dutch passenger was on board from the Cape of Good Hope.

Ship Penman, Coffin.

Insured for Byrd and Barron, 19th November, 1804,
at and from Batavia to Muskat, and back to Batavia, vessel and cargo 22,000 dollars . . . 22,000

This vessel sailed on a voyage from New York to Antwerp, thence to India. The voyage insured was an intermediate one, on which she was captured, as sailing contrary to the British instructions of 1803.

The *Penman* was captured on the 4th October, by his Britannic majesty's ship *Tremendous*, John Osborne, and carried to Columbo, in the island of Ceylon, and there condemned, on the 31st December, 1804, as having carried, and at the time of the capture, carrying on an illicit trade between the Batavian republick, her colonies in the East Indies, and of the colonies of her allies.

Schooner Fairplay, Robins.

Insured for P. A. Cammann, 10th October, 1805,
from New York to Curraçoa; if blockaded, to

proceed to a port that is not. Vessel, freight and
 cargo \$15,690 15,690

The schooner *Fairplay* sailed from New York in October, 1804, and was captured on the 7th November following, by his majesty's ship *Diana*, and ordered for Jamaica. The capture was made on the pretence of the blockade of Curraçoa.

The *Fairplay* was afterwards retaken by the mate, carried to Carthagena, and the property said to be left in the hands of the Spanish government; whether any, or what part will be recovered, is uncertain.

Brig Joseph, Winship.

Insured for A. Kirkpatrick, 23d April, 1805, from
 St. Pierres, Martinique, to New York. Cargo
 \$13,000. 13,000

This vessel was captured on the 11th July, by a British ship of war, and carried to Tortola, and the cargo condemned on account that the outward cargo was contraband of war.

Ship Mary, Knight.

Insured for Henry Cheriot, 15th March, 1805, from
 Martinique to New York.

Cargo \$20,000, warranted that the outward cargo
 did not consist of articles contraband of war, 20,000

This was a cargo of sugar, the property of Mr. Cheriot.

The *Mary* was captured on the 26th April, by his Britannic Majesty's ship *Ostry*, captain Clinch, and carried to Antigua. The vessel is dismissed, but the cargo detained for proof, on suspicion of being French property. The costs in the island of Antigua are shamefully enormous.

Ship John, Patterson.

Insured for Francis Phillippon, 4th March, 1805,
 from New Orleans to Bordeaux.

Cargo, 10,000

This cargo consisted of 250 boxes of Havana sugar. The sugar the property of a Mr. Phillippon, resident at New Orleans, and like Mr. Lauresse's property, is reserved for further proof.

Ship Enterprize, Thompson.

Insured for Joseph Thibaud, 9th September, 1805,
from Bordeaux to New York.

Cargo, 12,000

This vessel is captured and sent into Halifax; the cargo landed and detained for further proof.

Ship Hamilton, Masterton.

Insured for Labouisse and Co. 31st August and 3d
September, 1805, from Bordeaux to New York.

Cargo, 12,000

This vessel was captured by the British Brig Busy, captain Byam, on the 18th September last, about 50 miles from Sandy Hook light house, sent to Halifax, the cargo detained for further proof.

The Enterprize and Hamilton are two only of several vessels lately sent to Halifax, the proof required it is difficult, and in some cases impracticable to furnish, and it is a question whether it ought to be submitted to. I subjoin a copy of a letter from Mr. Solicitor Stewart to Mr. Michael Wallace, the agent of the assured at Halifax. It fully details the sentiments of Judge Croke.

Copy of Mr. Stewart's Letter to Mr. Wallace.

HALIFAX, NOV. 8, 1805.

DEAR SIR,

As the interlocutory decree of the court of vice-admiralty, in the cases of the ships Enterprize, Eugenia, Zulima, and Hamilton, will necessarily affect all other neutral ships engaged in the same trade, and as it is a decree that may lead to a final decision of infinite importance, I have thought fit, for the information of our American friends, to trouble you with a few lines on this subject.

These several ships and their respective cargoes were charged generally in the allegation of the king's advocate, to be enemy's property, and various grounds were adopted in support of the allegation. Among the number was a point of national law which the counsel for the captors thought fit to raise, upon very loose information afforded by letters found on board the ships, of a late decree of the government of France, respecting the importation of goods of British growth or manufacture. It appeared by a number of these letters that certificates of origin, as they were termed, had been carried to France by these several ships, for the purpose of proving the growth and manufacture of their outward cargoes. It appeared also, that unless those certificates had been produced at Bordeaux, the vessels and their cargoes would in all probability have been condemned by the French government, under the decree before mentioned. And it further appeared that the produce of the French colonies, of which the outward cargoes of those ships chiefly consisted, was exempted from duties on the production of the certificates.

Upon these facts it was contended on the part of the captors, that a trade carried on to France by neutrals, under the decree in question, was an unusual course of trade, submitted to for the advantage of the enemy. That the certificates of origin were obtained conformably to that decree, and favoured the views of the enemy by rejecting all goods of British growth or manufacture, and by entitling the neutral to the same exemption or reduction of duties, that would be granted to a Frenchman; and that such commerce was unneutral upon the general ground of avowed partiality to the known enemy of Great Britain.

On the part of the claimants, it was answered by their advocates, that the information afforded of the decree, as well as of the certificates of origin, and the duties in question, was extremely garbled and incorrect. That taking the facts, however, for granted, it did not appear that the course of trade was any other than that to which neutrals had been entitled by the law of nations for ages

past. That the French government had a right to impose any restrictions whatever in its own trade, and to admit neutrals to a participation of it upon such terms as a regard for its own interest would naturally dictate; that the decree which directed the certificates of origin, was of late date, and it was impossible yet to ascertain what would be the conduct of neutrals with respect to it; but that if they should still continue to carry on their commerce with France, under the restrictions imposed by that decree, they would have a complete right by the law of nations so to do, and would by no means be guilty of that gross partiality which amount to unneutral conduct.

The judge, however, was very much inclined to adopt in his decree, the arguments of the king's advocate, and laid much stress upon the course of trade being unusual, and of its having been resorted to by the enemy, in consequence of our naval superiority. He admitted the certificate of origin would not of itself have been sufficient cause of condemnation, and that a decision to this effect had been given by our courts at the close of the last war. But he observed that the decree in question might impose certain restrictions and limitations, which, if complied with, would create a breach of neutrality; that if neutrals, who were favouring the commerce of France, were allowed the same privileges with Frenchmen, by an exemption from duties or otherwise, he could not but consider them in the same light with the subjects of France; and on that account he was desirous of ascertaining in what respect the course of trade now carried on with the French ports in the mother country, differed from the former and customary line of commerce. He therefore directed further proof to be produced to the following points:

1. Of what colony or country the outward cargoes were the growth, produce or manufacture.
2. Under what certificates the same were admitted to entry in the ports of France, and whether liable to foreign or reduced duties.
3. What are the French laws on this subject, and what limitations are imposed on return cargoes.

The judge, concerning the different interests in the cargoes, observed, that he should require from every claimant a notarial copy of the original letter or order, by virtue of which the goods from France were shipped on neutral account, and that all letters of correspondence, bills of lading and invoices which concern such shipments, or notarial copies of them, must be procured to the court, verified by the attestation of clerks or other indifferent persons. This proof should be accompanied by the best affidavit, as it is called, of the party himself, swearing to his notarial character, and fully stating his right to the property claimed by him, and the funds by which he acquired it. It should conclude with the usual averment, that no enemy of Great Britain has any concern in the goods; that they were at the time they were shipped, and at the time of the capture, and would now be if restored, the sole and exclusive property of the claimant.

The judgments of professional gentlemen in the states can surely supply any further direction that may be necessary on the point of property.

You will, no doubt, write to your several correspondents; by this opportunity, and I have only to request you will assure those gentlemen of the best having been done for them, and that they shall have a continuance of my exertions. I am, &c. (Signed) JAMES STEWART.

Ship Bellisarius, Holmes, from New York to Bordeaux.

Insured for J. P. Longchamp, 12th June, 1805.

On cargo	.	.	.	3,030
F. Huguet,	.	.	.	775
E. Stevens,	.	.	.	8,500
Ditto, freight,	.	.	.	1,500
—————				13,805

This vessel was captured by the British, and carried into England; the property detained for further proof. This vessel and part of the cargo belongs to general Stevens, nor is there a doubt (so far as I can learn) but that the property is all American.

Brig Little Cornelia, from New York for Amsterdam.

Insured for J. Arden, the 6th, 13th, and 23d August, 1805.

On vessel,	. . . . .	4,500
On cargo of sugar	. . . . .	13,000
On logwood,	. . . . .	750
On freight,	. . . . .	2,500
		<hr/> 20,750

This vessel is sent into a port in England for adjudication; particulars not yet known. The property that of Mr. Arden, of this city; the sugars imported from Martinique, by him landed, and the duties secured here.

Ship Cicero.

Insured for Gouverneur and Kemble, the 13th August and 2d September, 1805.

On cargo of Havana sugars,	26,420
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This vessel is also sent into England, no particulars known. The sugars the property of Messrs. Gouverneur and Kemble.

Total amount of British captures, . . . \$288,946

FRENCH CAPTURES, &c.

Brig Hector, of New York, Thomas Harding.

Insured for William Armstrong, jun. 28th June, 1804.

September 9, 1804, paid a total loss on several invoices:

Provisions and lumber	. . . . .	4091 50
Do. another policy of provisions		142 10
Do. on freight	. . . . .	2009
		<hr/> 6462 60

Taken by two French privateers on the 23d July, and finally carried to Barracoa, in Cuba.

Note. This property was British, in an American vessel. Protest sent to the Secretary of State's office, July 5, 1805.

Schooner Eagle, Thomas Barber.

Insured for John Troop, from New York to Jamaica, on the cargo, and to Jamaica back, on the vessel.

September 10, 1804, paid total loss on vessel 2450

Cargo provisions and lumber . . . 5684

——— 8134.

NOTE. This vessel, as well as cargo, were owned by John Troop, a citizen of the United States, and resident in New York, captured on the seventeenth June, 1804, by the French privateer schooner Sansculotte, Rolly, and carried to Barracoa. Protest sent to the Secretary of State's office, 5th July, 1805.

Schooner Polly, John Biglay.

Insured for John Troop, from New York to Montego Bay, Jamaica.

October 22, 1804, paid a total loss on cargo 4214

This was a cargo of provisions, shipped by John Troop, for his own account.

Captured by a French privateer on 13th July, 1804. Protest sent to the Secretary of State's office, 5th July, 1805.

Brig Twins, Crowe.

Insured by Thomas Buchanan, 20th February and 11th March, 1805.

On vessel paid total loss . . . 8000

Freight do. 2000

Cargo do. 10595

——— 20,595

From New York to Jamaica.

This vessel was owned by Thomas Buchanan, of New York. The cargo was on account of British planters in Jamaica, and vessel and cargo captured by three French privateers on the 11th April last, and carried to Barracoa, in Cuba.

Protest sent to the Secretary of State's office, 5th July, 1805.

Copy of a letter to the honourable Secretary of State.

Office of the United Insurance Company,

New York, 5th July, 1805.

SIR,

IN behalf of the United Insurance Company in the city of New York, I have the honour to transmit you an account of captures illegally made by certain French privateers, of property insured by the said company. We have no reason to believe that the property was ever condemned by any competent tribunal; on the contrary we apprehend the same was converted to the private use of the captors, without the form of a judicial proceeding.

Captures of a similar nature having frequently occurred, the United Insurance Company have felt it their duty to transmit to the government of the United States, a correct statement of the circumstances accompanying the violation of our neutral commerce, and a full detail of the facts will be found in the enclosed documents.

They confide in the wisdom and justice of government to adopt all necessary measures for their indemnity for past injuries, and their security against future ones of a similar nature. I have the honour, &c.

(Signed)

JOHN DELAFIELD,

President United In. Com.

LIST OF CAPTURES.

Brig Hector, of New York, Thomas Harding, from New York to Jamaica.

William Armstrong, jun.

Sept. 9, 1804, paid total loss on several invoices :

Provisions and lumber,	-	-	4091	50
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Do. another policy, provisions,	-	-	142	10
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Do. on freight,	-	-	2009	00
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				6242	00
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Taken by two French privateers on the 23d of July, and finally carried to Barracoa in Cuba.

NOTE. This property was British in an American vessel.

Schooner Eagle, Thomas Barber.

New York to Jamaica on the cargo, and to Jamaica and back again on the vessel.

John Troop. Sept, 10, 1804, paid a total loss on	
vessel, - - - - -	2450
On cargo, provisions and lumber, - -	5684
	<hr/> 8134

Ship Andromache, Heckle.

Insured for Thomas Buchanan, 15th and 29th Aug. 1804, from New York to Jamaica.

Cargo belonging to persons resident in

Jamaica,	8900
Ditto. ditto.	475
Freight,	3000
Vessel,	8000
	<hr/> 20375

The Andromache was captured on the 5th October, 1804, by the French privateer Democrat, Jerome, commander; and on the 9th of the same month was re-captured by the British S. W. La Sagess, carried to Jamaica, and the property in vessel and cargo released on paying a salvage of one eighth per cent. and charges.

Ship Almy, Crowe.

Insured for Thomas Buchanan, 3d July, 1805, from

New York to Falmouth, Jamaica, cargo belonging to persons resident in Jamaica, 12,435

Total amount of French captures, \$ 72,215 60

The Almy was captured on the 26th June, by the French privateer schooner La Confiance, captain La Paze, and carried to Barracoa in Cuba, arrived there 28th June.

SPANISH CAPTURES, &c.

Brig Success, Brum.

Insured for George Barnwall, from Jamaica to New York, 30 July, 1805.

Cargo 10 puncheons rum, \$ 630

The Success was captured on the 13th July, 1805, by a Spanish galley, belonging to the Havana, called La Bonne Union, commanded by captain Cesar, and manned with 30 or 40 Spaniards and Frenchmen, with one Irishman, who served as an interpreter. That three days after the said capture, said captain Brum, the passengers, eight in number, and the people of the said brig, were all ordered below, and the hatches shut upon them; in this situation they were kept through the night. In the morning, the crew of the galley prepared their knives and cutlasses and clubs, opened the forecastle and called for the captain. That this appearer, with the view of preserving the captain's life, stepped forward and ascended to the deck; that the crew of the galley, with their instruments of slaughter, having arranged themselves in two ranks, compelled the seamen of the said brig to run the gantlet, while each gave him a blow or a stab as he passed. That captain Brum and his passengers and crew, were all in succession taken from the hold, and treated with the same horrid cruelty, excepting five French passengers. That an English gentleman, by the name of Smith, who was one of the passengers, was beaten with such severity that he sprang into the long boat and broke his ankle in two places; that the mate of said brig, two English passengers, and two seamen, were put in irons on board the galley, and three days afterwards sent ashore at Congaboutee, about 180 miles from Havana, and the said brig and remainder of the crew were sent to Campeachy; and it is stated, that the property is in the hands of the government, subject to the orders of the owners.

PHILADELPHIA, DECEMBER 10, 1805.

SIR,

AMONG the numerous captures of American vessels lately made by British cruisers, the circumstances attending four vessels, taken on their passage from Bordeaux (three for New York, the other for this place) has parti-

icularly attracted the attention of the merchants and insurance companies of this place, where the property has been principally insured.

Those vessels carried cargoes from the United States to Bordeaux, and were returning with articles, the manufacture or growth of France, partly the proceeds of the goods they carried out, and partly purchased with their funds. The vessels and their cargoes were libelled in the vice-admiralty court at Halifax, and are held for further proof.

By a letter received from the proctor of the claimants (a copy of which accompanies this) it appears that the king's advocate advanced on the trial, principles new and extraordinary, which were favourably received by the judge, who has called for proofs that have never been required on any former occasion. Such proofs as have been usual, have actually been sent forward, but strong doubts exist whether the others called for, if obtainable, ought to be adduced. Wishing to act with due circumspection in an affair which may involve important consequences, it has been deemed advisable to submit the case, with such observations as have occurred to us, to the department of state, that we may benefit of any advice or opinion you may favour us with.

The proofs required by the judge, which to us appear exceptionable, are :

1. Of what colony or country the outward cargo was the growth, produce or manufacture.
2. Under what certificates were the same admitted to entry in the ports of France, and whether liable to foreign or reduced duties.
3. What are the French laws on this subject, and what limitations are imposed on return cargoes.

We consider the first as exceptionable, inasmuch as it has not been heretofore required ; it has been held under former decisions of the British courts, that return cargoes are not questionable on account of the outward one, except the latter consisted of articles contraband of war. In

the last order of the British king, the exception is confined to the product of articles contraband of war: the embarrassment which the establishing this as a principle would occasion, is too obvious to require explanation.

“ 2. Under what certificate were the same admitted to entry in the ports of France, and whether liable to foreign or reduced duties.”

To this, besides the objection already stated, it seems utterly irreconcilable to the principles of justice, that the claimants should be called upon either to prove a negative or furnish a cause of condemnation of their property. It was suggested by the judge in his reasoning, that the permission of importing into France the produce of her colonies by neutrals, while those of the British dominions were excluded, was of itself a breach of neutrality, and if on reduced duties, that would be an additional reason.

The fact (as respects those ships) is that they carried from the United States cargoes taken on freight, from various people, and consisting of articles, the produce of the United States, and of the French and Spanish colonies; the cargoes with which they were returning are not precisely the proceeds of the outward ones, nor all belonging to the same persons; it is therefore imposing upon the owners of the present one a most unreasonable task, and has this still further disadvantage, that if those proofs are furnished in cases in which they are attainable, in every instance in which that could not be done, it may be deemed a ground for condemnation, besides it would be used for a precedent on all future occasions.

To the *third*, there is no other objection, but that it puts upon the claimant a proof which, if material, ought to be adduced by the captors, if, as they contend, the laws of France which provides for neutral commerce, is a ground of condemnation, the proof of the existence of such law in reason rests with the captors.

As the French laws are explained to us, they provide against the introduction into that kingdom of any goods or merchandise, the manufacture or growth of any of the

dominions of Britain. And it is therefore required that all goods carried there, should be accompanied with certificates shewing of what country they are the manufacture or growth, and such certificates are to be verified by the commercial agent of France at the port of their shipment, or his deputy; these are called certificates of origin, and are indispensable.

With respect to the reduced duties, we understand that there has existed in France (many years previous to the revolution) a regulation which provided that the exporters of goods from her colonies, by paying certain duties at the place of export, would be allowed an abatement on the duties, to which they would otherwise be liable on their introduction into France. When that law was decreed, French subjects *only* could export the products of her colonies to the mother country. Since the revolution the like provision has been extended to all persons exporting those products; but we are informed that it is embarrassed with so many provisions and difficulties that the abatement in France is seldom claimed, and much seldomer obtained. Some imperfect notices, extracted from letters found on board those ships, has probably suggested this inquiry, and not any certain knowledge of the law or its effect on the goods in question.

To the latter part of the third proof required, it can be established that no condition is exacted from the exporters of goods from France to any neutral country.

In the present state of our commerce the principles to which we have referred, cannot be viewed by the merchants and underwriters of this city, without extreme anxiety. Relying on the decisions which formerly took place in the British courts, the merchants of this country have risked property to an immense amount, much of which is now at hazard, and depending on the establishment of the principles which are the subject of this communication.

The time limited for exhibiting our proofs at Halifax expires on the 8th February. If you shall deem it necessary to favour us with any communication on the subject,

it may be in time, and will be used in such way as you may advise.

We are, &c.

(Signed) **THOMAS FITZSIMONS,**
President, Delaware Insurance Company of Philadelphia.

(Signed) **JAMES S. COX,**
President Insurance Company, Pennsylvania.

(Signed) **JOSEPH BALL,**
President Union Insurance Company of Philadelphia.

(Signed) **CHARLES PETTIT,**
President Insurance Company of North America.

JAMES MADISON, Esq. Secretary of State.

HALIFAX, NOV. 8, 1805.

DEAR SIR,

As the interlocutory decree of the court of vice-admiralty, in the cases of the Enterprize, Eugenia, Zulema, and Hamilton, will necessarily affect all the other ships engaged in the same trade, and as it is a decree which may lead to a final decision of infinite importance, I have thought it fit for the information of our American friends, to trouble you with a few lines on the subject of it. These several ships, and their respective cargoes, were charged generally in the allegation of the king's advocate, to be enemy's property, and various grounds were adopted in support of the allegation. Among the number was a point of national law, which the counsel for the captors thought fit to raise, upon very loose information, afforded by letters found on board the ships, of a late decree of the government of France, respecting the importation of British goods, or manufacture. It appeared by a number of those letters, that certificates of origin, as they were termed, had been carried to France by these several ships, for the purpose of proving the growth and manufacture of their outward cargoes. It appeared, also, that unless these certificates had been produced at Bordeaux, the vessels and their cargoes would, in all probability, have been condemned by the French government under the decree before mentioned; and it further appeared, that the produce of the French colonies, of which the outward cargoes of these ships chiefly consisted, was exempted from duties on the production of the certificates. Upon these facts, it was contended, on

the part of the captors, that a trade carried on to France by neutrals, under the decree in question, was an unusual course of trade, submitted to for the advantage of the enemy. That the certificate of origin, was obtained conformably to that decree, and favoured the views of the enemy, by rejecting all goods of British growth and manufacture, and by entitling the neutral to the same exemption, or reduction of duties that would be granted to a Frenchman, and that such commerce was unneutral, upon the general ground of avowed partiality to the known enemy of Great Britain.

On the part of the claimants it was answered by their advocates, that the information afforded of the decree, as well as of the certificate of origin, and the duties in question, was extremely garbled and incorrect. That taking the facts, however, for granted, it did not appear that the course of trade was any other than that to which neutrals had been entitled by the law of nations for ages past; that the French government had a right to impose any restriction whatever upon its own trade, and to admit neutrals to a participation of it, upon such terms as a regard for its own interest would naturally dictate. That the decree which directed the certificate of origin, was of late date, and it was impossible yet to ascertain what would be the conduct of neutrals with respect to it, but if they should still continue to carry on their commerce with France, under the restrictions imposed by that decree, they would have a complete right, by the law of nations, so to do, and would, by no means, be guilty of that gross partiality which amounts to unneutral conduct. At all events, supposing the greatest mischiefs to result to the British government from such commerce, it was a subject for the consideration of the ministry, and could not be a ground of legal argument in a court of vice-admiralty.

The judge, however, was very much inclined to adopt in his decree, the arguments of the king's advocate, and laid much stress upon the course of trade being unusual, and upon its having been resorted to by the enemy, in consequence of our naval superiority. He admitted, that the certificate of origin would not, of itself, have been sufficient cause of condemnation, and that a decision to this

effect had been given by our courts at the close of the last war, but he observed that the decree in question might impose certain restrictions and limitations, which, if complied with, would create a breach of neutrality; that if neutrals who were favouring the commerce of France, were allowed the same privileges with Frenchmen, by an exemption from duties, or otherwise, he could not but consider them in the same light with the subjects of France, and on that account he was desirous of ascertaining in what respect the course of trade now carried on with French ports, in the mother country, differed from the former and customary line of commerce. He, therefore, directed further proofs to be produced, to the following points. 1. Of what colony, or country, the outward cargoes were the growth, produce, or manufacture? 2. Under what certificates were the same admitted to entry into the ports of France, and whether liable to foreign or reduced duties? 3. What are the French laws upon this subject, and what limitations are imposed on return cargoes?

I should imagine, that further proof might be obtained to these several points, by an application to the French minister, in America, for the law on the subject, and by applying to the custom house for the history of the outward cargoes. The judge, concerning the different interests in the cargoes, observed, that he should require from every claimant, a notarial copy of the original letter, or order, by virtue of which the goods from France were shipped on neutral account, and that all letters of correspondence, bills of lading, and invoices, which concern each shipment, or notarial copies of them, must be produced to the court, verified by the attestation of clerks, or other indifferent persons. This proof should be accompanied by the test affidavit, as it is called, of the party himself, swearing to his national character, and fully stating his right to the property claimed by him, and the funds by which he acquired it. It should conclude with the usual avowment, that no enemy of Great Britain has any concern in the goods; that they were, at the time they were shipped, and at the time of the capture, and would now be, if restored, the sole and exclusive property of the claimant. The judg-

ments of professional gentlemen in the states, can supply any further directions that will be necessary upon the point of property. You will, no doubt, write to your several correspondents by this opportunity, and I have only to request, that you will assure those gentlemen of the best having been done for them, and that they shall have a continuance of my exertions. I am, &c.

(Signed)

JAMES STEWART.

JOHN BLACK, Esq.

Of the house of Forsyth, Smith, & Co. Halifax.

NORFOLK, DEC. 3, 1805.

SIR,

I HAVE been selected by the merchants of this place, to forward to you, memorials upon the cases of spoliation committed by the belligerent powers, on their commerce; in consequence of which, I have the honour to address you, and to forward memorials, with copies of documents accompanying, in the following cases: 1. Conway and Whittle, ship Eliza, John Evans, master. 2. John Graubery, sloop George, Reynolds, master. 3. Donaldson Thornburn and Co. ship Charles, Carter Tompkins, master. 4. James Dykes and Co. schooner Iris, Samuel Pearson, master. 5. Edward Chamberlin, brig Nancy, John Christy, master. 6. Alexander Leekie, brig Catharine, John Seward, master. 7. Moses Myers, ship Argus, E. Chamberlin, master. 8. Moses Myers, schooner Adeline, Nathaniel Strong, master. 9. Richard Drummond, schooner Favourite, — Fletcher, master. 10. John Burke, schooner Two Brothers, — Canby, master.

I am directed to state, that the originals in each case are lodged with me, or will be subject to my order, provided they are considered by you, as requisite; and if they should be so considered, they will be forwarded whenever you direct them. There are, I am informed, sundry other cases, but the owners either have not received protests from the masters, or have neglected to send them to me; as I receive them, I shall do myself the honour to transmit them to your department. I have the honour, &c.

(Signed)

WILLIAM PENNOCK.

The Hon. James Madison, &c. &c.

To the Hon. James Madison, Esq. Secretary of State of the United States.

THE memorial of the president and directors of the South Carolina Insurance Company, and of the merchants, and others interested in the commerce of the city of Charleston, respectfully sheweth,

That your memorialists are deeply affected by the recent capture, at the very entrance of this port, of the American ship *Two Friends*, by a French privateer. This event has excited, among all classes of citizens, the strongest sensations, not only because the said ship was captured without any colour of pretence, within sight of land, but because she is our only regular London trader, and had on board a full supply of spring and summer goods. The distress and anxiety occasioned by these circumstances, are greatly enhanced from our having been hitherto deprived of our spring supplies, and from an anticipation of the consequences justly to be apprehended from a continuance of similar outrages, should not the most prompt and effectual measures be adopted for the protection and security of our commercial interests. Your memorialists are authorized to add (although the fact be not detailed in the protest) that it appears, from undoubted authority, that the magnitude of the prize was the sole inducement of the above mentioned capture, the captors having said that they would release the *Two Friends*, in the event of their falling in with any other valuable prize, which might be more worthy of their notice.

This most extraordinary capture, in direct violation of our treaty with France (as appears by the accompanying documents) has already been followed by events no less alarming, our harbour being at this moment completely blockaded by three French privateers (and more are daily expected) which examine all vessels coming in and going out of this port, and either detain or release them, according as their value excites the cupidity of the cruisers.

This degrading state of our harbour has necessarily raised the premiums of insurance, thus forcing additional sums from the pockets of our citizens, has advanced the price of every commodity, and created a distressing stag-

nation of our exports; for the merchants, not receiving their goods from abroad, are incapacitated from purchasing the produce of the country. Among these deplorable effects of the defenceless and humiliating condition of our commerce may be, moreover, enumerated the immense loss of duties, those in the ship *Two Friends* alone being estimated, by the collector, at \$45,000.

Your memorialists have the best reasons for believing that this early success, experienced by these French privateers, will immediately allure others in swarms to our coast and bar, to the total ruin of private mercantile concerns, and the most fatal defalcation of the publick revenue. Your memorialists have no less ground for apprehending that British cruisers, availing themselves of the absence of domestick protection, will, under the colour of expelling the French, assume and occupy their ground, and either retain us in the same degraded state, harassing our vessels by searches and detention, or subject us to the disgraceful and mortifying obligations of gratitude for alien succour and relief.

Your memorialists are the more alarmed at these depredations because much valuable property is still expected, this summer, from other quarters than London, and considerable importations will be looked for in the fall, for our winter supplies; and should there not be an early and effectual check to these aggressions; should our fall importations be also interrupted, the calamities of the last year, produced by the hurricane and other causes, in which this city has largely participated, would be aggravated to such an extent, as to eventuate in general ruin. And these just alarms and apprehensions of your memorialists are heightened by the well known circumstance of many of the cruisers which infest our shores, belonging to St. Jago de Cuba and Barracoa, in which receptacles our vessels and their cargoes, with the knowledge of the government of Cuba, are instantly sold without any condemnation whatever, or even the formality of a trial, thereby precluding every future possibility of redress.

Your memorialists avail themselves of this occasion to notice a late decision of the district court within this state,

grounded on an act of congress, whereby the territorial jurisdiction of the United States is limited to the short distance of three miles, or a marine league from the coasts or shores, which by the said court is construed to mean three miles from the land; consequently the middle channel of our bar, being more than three miles distant from the nearest land, is pronounced by judicial authority to be without the jurisdiction of the United States, the very entrance of our harbour, in full sight of the city, where vessels are frequently obliged to anchor, while waiting for a tide, and with a pilot on board, is, by our own tribunals, acknowledged to be without the protection of our government!!

Your memorialists refrain from commenting on the pernicious effects of a system of policy, so pregnant with dishonour and ruin to the trade and navigation of the United States at large, but more particularly to those of Charleston, from the geography of whose shores, and peculiar local situation of whose bar and harbour, every vessel, in her ingress and egress, is thus subjected to search, detention or seizure, and content ourselves with a bare statement of the above grievances, superadded to so many others, not doubting that the President will take the same into consideration, and being duly impressed with the necessity of some early remedial arrangement, either of a legislative or diplomatic nature, will recur to such as may appear most conducive to the desired end.

Your memorialists, having thus exhibited but an imperfect view of their ruinous, unprotected and degraded situation, rely with confidence on the prompt interposition of the President, to obtain, by representations to the minister of France, and of Spain, (in the event of the Two Friends being carried to a Spanish port) restitution of the said ship and her cargo, and to cause a stop to be put to similar spoliations; and your memorialists further most earnestly solicit some immediate and effectual naval protection for our harbour and shores, together with such other measures as the national councils, in their wisdom, may deem expedient, as well for prevention of the renewal of the

outrages we have sustained, as for the permanent safety and protection of our commercial and navigating rights and interests.

Charleston, S. C. June 12, 1805.

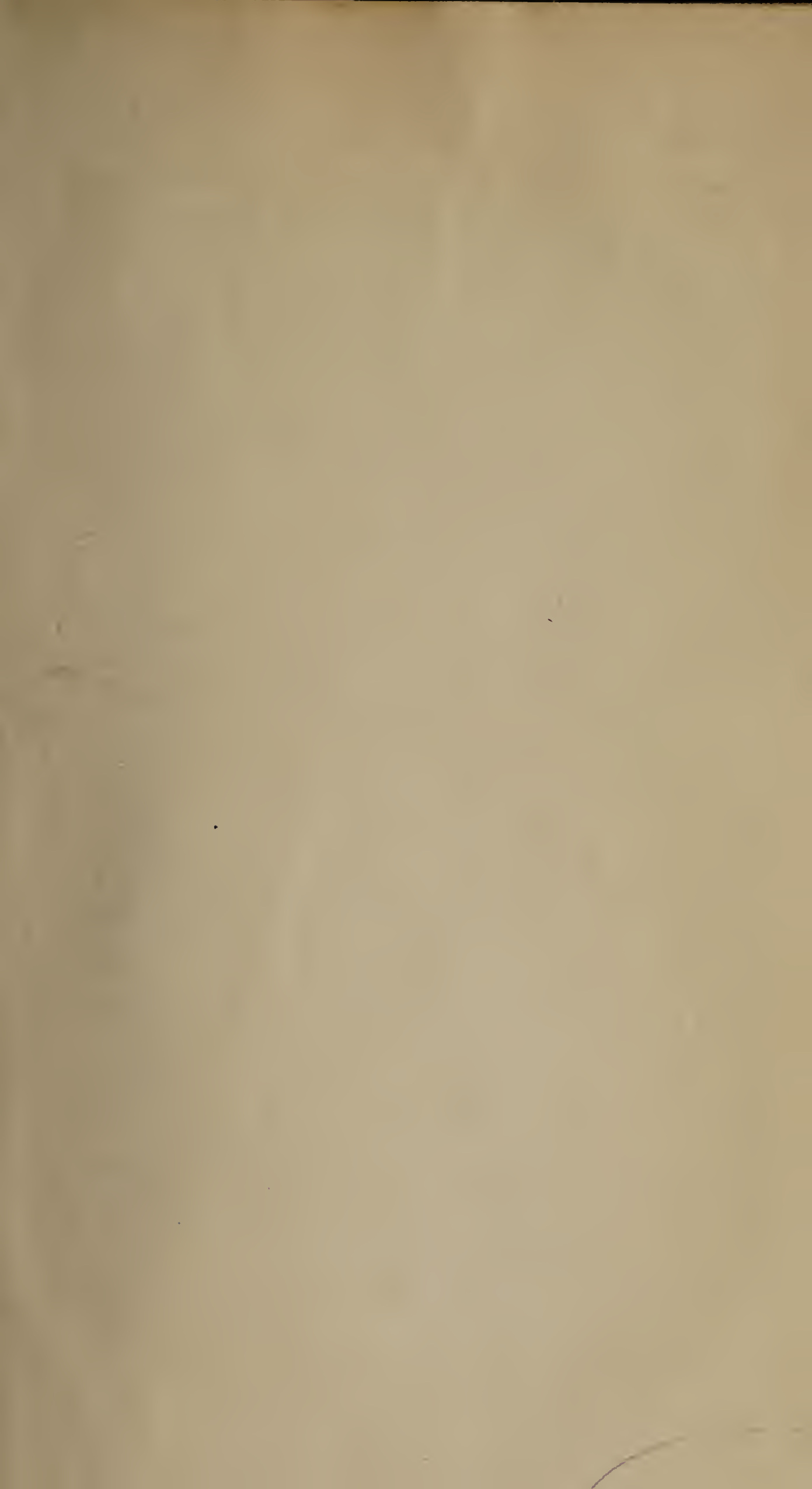
(Signed)

THOMAS CORBETT, *President of the S. C. In. Com.*

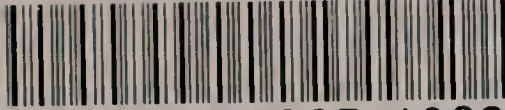
Thomas Ozier, Nath. Russell, G. Woddray, A. Trinno, Adam Gilchrist, Joseph Wintter, W. Boyd, John Price, James Macbeth, Wm. Smith, Dan. Hall, Wm. Blacklock, O. Smerdon, J. Rutledge, Stephen Bulkley, David M-Credie, David Alexander, Alex. and John M-Clure, Wm. Loughton Smith, Robert Hazlehurst, Robert Maxwell, Wilmot S. Gibbs, Lewis and R. Groning, Th. Campbell Cox, Wm. Young, John Lloyd, jun. Mat. and Rd. Brenon, Wm. P. Johnson, Robert Walzer, Wissmann and Lorent, Wm. Wightman, J. Gregorie, James Cox, Th. Sheppard, Tim. Ford, H. Smith, J. R. Wilmer, Wm. M-Whann, Plowden Weston, John S. Adams, Walter Forsyth, Anne Henry and Son, Wm. Hasell Gibbes, Langdon Cheves, G. W. Annsly, A. Vander Horst, James Kennedy, William Doughty, North and Webb, J. Vander Horst, J. S. Lovell. Angus Bethune, Benj. B. Simons, Benj. Burgh Smith, Wm. Abbost, Ch. Kiddell, R. Heriot, J. Wilson, A. Miller, Th. Smith, James Blair, Isaac Teasdale, James Miller, sen., Hugh Paterson, H. Smerden, Gillespie and Mackay, Th. Foster, J. Gordon, H. Courtney, William Burgoyne, J. Barron, T. C. A. Steinmets, Ed. Beattie, J. M. Davis, Crocker and Hickborn, J. Broadfoot, E. Thayer, Charles O'Hara, Wm. Read, Geo. Read, Daniel Doyley, J. Bally, John Moneriff, Edward Harleston, K. Simons and son, Wm. Allen, James H. Ancrum, Gibson and Broadfoot, Hugh Mann, F. Weir and Co. Frederick Kohne, Th. Hill, J. Haslet, G. Davidson John Potter.



[The other communications, accompanying the last message of the President, will be printed first in the next volume.]



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